United Nations S/2008/206

Security Council

Distr.: General
27 March 2008

Original: English

Letter dated 26 March 2008 from the President of the Security Council to the Secretary-General

I have the honour to respond to your letter of 11 March 2008 (S/2008/205), in which you referred to Security Council resolution 1284 (1999), by which the mandate for the High-level Coordinator for missing Kuwaitis and third-country citizens and missing Kuwaiti property was established, and to related resolutions 687 (1991) and 706 (1991).

Members of the Council reiterate their continuing support for the important work of the High-level Coordinator.

I wish to inform you that the Security Council has decided to earmark US$ 225,000 from the operating reserves and fund balance of the 2.2 part of the Escrow Account intended for administration and operational costs to finance the continuation of the activities of the High-level Coordinator for a period of 12 months from the date of the appointment of the new High-level Coordinator.

The Security Council requests a comprehensive report, 12 months after the appointment, to include an update on progress during that period, as well as an assessment of the progress that might be achieved, including the conditions that would be necessary and a timescale for completion of the mandate.

(*Signed*) Vitaly I. **Churkin**
President of the Security Council

08-28538 (E) 280308

United Nations S/2008/207

Security Council

Distr.: General
28 March 2008
English
Original: Arabic

Letter dated 19 March 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I find myself duty bound to inform you, and do so on the instructions of my Government, that the Government of Chad, in the context of its continuing non-compliance with the conventions and treaties signed between the two countries, has once again violated the Dakar agreement: in the period following the signing of the agreement, the Chadian authorities have undertaken a series of serious measures of a kind likely to undermine its goals and objectives and continue to target Sudan and its sovereignty, its territorial inviolability and the security of its citizens.

It is greatly to be regretted that on 18 March 2008 — in other words only 5 days after the signing of the Dakar agreement — the Government of Chad sent the rebel Bahr Idris Abu Girda (Justice and Equality Movement) and facilitated his entry into Sudanese territory from N'djamena for the purpose of engaging in wide-ranging military and subversive operations against the Sudan.

The sending of that person to Sudanese territory was not merely in clear violation of the Dakar agreement and of the agreements signed earlier between the two countries but it also occurred at the same time as unprecedented support provided by President Idris Debi to the rebels in the form of all kinds of weapons including anti-aircraft guns, missile launchers and logistics, so far amounting to 500 vehicles, at a time when the ink on the agreement is still not dry and when the Chadian authorities were concluding the coordination between various movements and groups so as to launch a united and simultaneous attack. This included liaison and coordination between officials of the Justice and Equality Movement inside Chadian territory with the rebel Ahmad Morjan (SLA/Unity) while, at the same time, the President of Chad, Idris Debi, was making advance preparations to meet Khalil Ibrahim, the leader of Movement, in order to put into effect that plan which was aimed at violating the territory of the Sudan and intimidating the faithful.

On 18 March 2008, while, as part of the plan, 18 land cruisers and two large lorries were making for East Jabal al-Ain, a sub-district of the region of Shawaf in North Kordofan State adjacent to the region of Darfur, the armed forces of the Sudan were ambushed by elements of the Justice and Equality Movement coming from Chadian territory in a locality between the area of Sali`a and Goz Mino near Gradia to the north-east of El Geneina in West Darfur province, and a number of members of the armed forces were wounded or killed.

08-28700 (E) 280308 280308

We are informing you of these serious violations instigated by members of the Chadian regime which is committing acts of aggression against the sovereignty and territorial integrity of the Sudan and violating the Dakar agreement which was welcomed by the regional and international community. These attacks are not new to the Security Council which was earlier informed of some examples in paragraphs 2, 3 and 4 of the most recent report of the Secretary-General on Darfur (S/2008/98) which, among other things, stated unambiguously that Chad had violated the frontier of the Sudan on land and in the air. We emphasize that these violations by the Chadian side are likely to dispel all hope until such time as their grave implications, which endanger the security, peace and stability of the region, are addressed.

Finally, I should be grateful if you would have this letter circulated as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

United Nations S/2008/207*

Security Council

Distr.: General
31 March 2008
English
Original: Arabic

Letter dated 19 March 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I find myself duty bound to inform you, and do so on the instructions of my Government, that the Government of Chad, in the context of its continuing non-compliance with the conventions and treaties signed between the two countries, has once again violated the Dakar agreement: in the period following the signing of the agreement, the Chadian authorities have undertaken a series of serious measures of a kind likely to undermine its goals and objectives and continue to target Sudan and its sovereignty, its territorial inviolability and the security of its citizens.

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* Reissued for technical reasons.

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Finally, I should be grateful if you would have this letter circulated as a document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

United Nations A/62/768–S/2008/208

General Assembly
Security Council

Distr.: General
27 March 2008

Original: English

Peacebuilding Commission
Second session

Letter dated 25 March 2008 from the Chairperson of the Peacebuilding Commission and the Chairperson of the Guinea-Bissau configuration to the President of the Security Council

We have the honour to refer to the letter dated 11 December 2007, addressed to the Chairperson of the Peacebuilding Commission by which the President of the Security Council requested the advice of the Commission on the situation in Guinea-Bissau (S/2007/744); to the reply from the Chairperson of the Commission dated 28 December 2007 (A/62/686-S/2008/87); and the letter dated 14 March 2008, by which the President of the Security Council invited the Chair of the Guinea-Bissau configuration to brief the Council on 26 March 2008.

The Organizational Committee of the Peacebuilding Commission established the Guinea-Bissau configuration, in December 2007 under the leadership of Brazil. Since then, the Chair of the Guinea-Bissau configuration has conducted an exploratory mission to Guinea-Bissau, the Guinea-Bissau configuration has discussed a mapping of resources and gaps for peacebuilding in Guinea-Bissau and a high-level delegation of the Government of Guinea-Bissau has made a presentation on the country's priorities for peacebuilding. After being advised by the Guinea-Bissau configuration, the Secretary-General announced the eligibility of Guinea-Bissau to the Peacebuilding Fund.

The Peacebuilding Commission is now engaged in the process of determining the critical peacebuilding priorities, together with the specific added value it can bring to each of them. The challenges in the country include the areas identified by the Security Council, i.e., building governmental capacity, public-sector reform, strengthening of the rule of law, security-sector reform and assisting the electoral process. Challenges also include salary arrears; improving the living conditions of the military; combating drug trafficking and organized crime; promoting human resources development and youth employment; addressing the needs of vulnerable groups; rehabilitating infrastructure, in particular the energy sector; and adopting measures to jump-start the revival of the economy.

The Peacebuilding Commission will also define the specific mix of measures and the sequencing of the actions it will undertake within each of the priority areas to support existing strategies and programmes, identify gaps and generate synergies among programmes. The Commission intends to tackle peacebuilding in Guinea-

08-28550 (E) 010408

Bissau through a two-pronged approach, interweaving immediate and rapid actions with a medium-term and long-term engagement, bearing in mind the need to rank priorities according to the degree of urgency, importance and value added to peace-consolidation efforts.

The strategic framework for peacebuilding will outline the commitments of the Government of Guinea-Bissau, the Peacebuilding Commission and various other stakeholders. As part of the process of developing the strategic framework, the Commission intends to conduct a field trip to Guinea-Bissau in early April 2008.

We trust that the Peacebuilding Commission will be in a position to provide further information on peacebuilding priorities in Guinea-Bissau in the coming months.

(*Signed*) Yukio **Takasu**
Chairperson
Peacebuilding Commission

(*Signed*) Maria Luiza Ribeiro **Viotti**
Chairperson
Guinea-Bissau configuration

United Nations A/62/770–S/2008/209

General Assembly
Security Council

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28 March 2008

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General Assembly
Sixty-second session
Agenda items 17 and 18

The situation in the Middle East

Question of Palestine

Security Council
Sixty-third year

Identical letters dated 27 March 2008 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to inform you regarding the continuation of rocket attacks carried out by Palestinian terrorists in the Gaza Strip against Israeli civilians.

Yesterday, Wednesday, 26 March 2008, two Israeli civilians were wounded after Palestinian terrorists in the Gaza Strip fired some 20 Qassam rockets and mortar shells at southern Israel. Both of the victims suffered shrapnel wounds, and nine others were treated for shock. Earlier in the day, a rocket landed in the backyard of a home in a western Negev kibbutz, causing damage to nearby buildings.

In addition, an Israeli civilian was lightly wounded when Palestinian terrorists in Gaza fired at a group of farmers near Kibbutz Ein Hashlosha, the same area where a volunteer from Ecuador was killed by terrorist sniper fire in January. The man sustained minor injuries to the eye when one of the bullets struck a water tank, causing shrapnel to spray.

As I told the Security Council earlier this week, the perceived quiet and lull in Hamas's attacks is a complete mirage. Clearly, the rockets out of Gaza have not stopped, and Hamas continues to smuggle and produce more rockets. Thus, Hamas bears complete responsibility for the situation, and in particular indiscriminate rocket attacks against Israeli civilians, which serve no real purpose and are in violation of international law. The senseless firing of rockets demonstrates that Hamas has no interest other than an all-out campaign of violence and terrorism against Israel.

Israel will continue to defend itself and protect its civilians, as is the right and responsibility of every nation, in accordance with Article 51 of the United Nations Charter.

08-28926 (E) 310308

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 17 and 18, and of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative

United Nations S/2008/210

Security Council

Distr.: General
28 March 2008

Original: English

Letter dated 28 March 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the tenth report of the International Independent Investigation Commission, which was prepared pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005) 1686 (2006) and 1748 (2007).

The report provides the Security Council with an overview of the progress made by the Commission since its previous report to the Council, dated 28 November 2007 (S/2007/684). While the Commission continues to make progress, it underlines the complexity of the investigation, mindful of the need to carry out an effective handover to the Special Tribunal for Lebanon.

The Commission reports that it has evidence that a network of individuals acted in concert to carry out the assassination of former Prime Minister Rafiq Hariri and that this criminal network, or parts thereof, are linked to some of the other cases within the Commission's mandate. The priority of the Commission is now to determine the scope of the network and the identity of its participants. The report also provides details of the assistance provided by the Commission to the Lebanese authorities in their investigation of 20 other bombings and assassinations in Lebanon since October 2004.

I wish to thank the staff of the Commission for their excellent work in extremely difficult circumstances. In particular, I wish to thank Daniel Bellemare, who took office as Commissioner on 1 January 2008, for his leadership in advancing the investigation and in providing continuity in the work of the Commission. I also would like to thank the Government of Lebanon for its continued cooperation and support.

I would be grateful if you would bring this matter to the attention of the members of the Security Council. Meanwhile, I am transmitting the report to the Government of Lebanon.

(*Signed*) **Ban** Ki-moon

08-28743 (E) 020408

Tenth report of the International Independent Investigation Commission established pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1686 (2006) and 1748 (2007)

Beirut, March 2008

D. A. Bellemare
Commissioner

Summary

The Security Council requested the International Independent Investigation Commission to report to it every four months on its progress. This report is the tenth provided by the Commission to date, and the first report of Commissioner D. A. Bellemare, who took office on 1 January 2008.

The present report provides an update on the progress of the investigation, with due consideration given to confidentiality and security concerns. The progress made during the reporting period allows the Commission to confirm, on the basis of available evidence, that a network of individuals acted in concert to carry out the assassination of former Prime Minister Rafiq Hariri and that this criminal network or parts thereof are linked to some of the other cases within the Commission's mandate. The Commission's priority is now to gather more evidence about this network and the extent of its links to other attacks.

Since the previous report, the Commission has provided technical assistance to the Lebanese authorities in their investigations into two additional attacks targeting members of Lebanon's security forces, Major General François al-Hajj and Major Wissam Eid.

Those recent attacks have contributed to a deteriorating security environment in Lebanon. Despite mitigating measures put in place, this environment continues to have an impact on the Commission's activities, albeit without affecting its resolve.

The Commission has continued to work closely with the Lebanese authorities. The Syrian Arab Republic has provided generally satisfactory cooperation. The Commission has implemented new working practices to foster additional assistance from Member States as well as to encourage cooperation by witnesses and other sources.

The Commission has also continued to prepare for the transition to the Special Tribunal for Lebanon, bearing in mind that terrorist investigations are lengthy and complex.

I. Introduction

1. The present report of the International Independent Investigation Commission established pursuant to Security Council resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1686 (2006) and 1748 (2007), outlines progress made by the Commission since its previous report, dated 28 November 2007 (S/2007/684). This is the first report of Commissioner D. A. Bellemare, who took office on 1 January 2008.

2. The third anniversary of the terrorist attack that killed former Lebanese Prime Minister Rafiq Hariri and 22 other persons was observed on 14 February 2008. The Commission was established to assist the investigation into this attack, and its technical assistance has been sought in 20 other investigations, including 2 during the current reporting period. The investigations involve a series of terrorist attacks that have caused the death of dozens and injured hundreds more. In total, 61 people have been killed and at least 494 injured.

3. Terrorist investigations are by definition complex and difficult. The Commission faces additional challenges, including the magnitude of the attacks, their continuing nature and the fact that the investigations are conducted in an environment dominated by ongoing security concerns. Despite these difficulties, the Commission has continued its methodical approach in assisting the Lebanese authorities to solve the cases, being guided exclusively by the facts and the evidence and exploring all investigative leads.

4. Investigations of this complexity cannot be rushed. While the absence of quick results may be frustrating for the surviving victims, the families of the deceased, the Lebanese people, the international community and the Commission itself, the experience of other investigations of similar crimes proves that with sufficient time and resources, the perpetrators can be brought to justice.

5. Given the need to preserve confidentiality in its investigations, the Commission will not be disclosing any names. Names of individuals will appear only in future indictments filed by the Prosecutor, when there is sufficient evidence to do so.

6. The present report outlines the political and security environment in which the Commission operates; new developments in the Commission's work processes and investigative priorities; cooperation with national and international authorities; and challenges inherent in the Commission's work. Finally, the report addresses steps that the Commission is taking to prepare for the transition to the Special Tribunal for Lebanon.

II. The environment

7. The political situation in Lebanon remains at an impasse, despite numerous attempts to elect a successor to President Emile Lahoud, whose term expired in November 2007. Domestic and international efforts to resolve this crisis have so far been unsuccessful.

8. In the past four months, the Commission has witnessed a deteriorating security environment. A number of attacks targeted members of the Lebanese security forces and the international community. The political and economic conditions in the

country have also led to a number of street demonstrations that resulted in violent clashes and shootings.

9. On 12 December 2007, the head of operations of the Lebanese Armed Forces, Brigadier General François al-Hajj — posthumously promoted to Major General — and his driver were killed in a bomb attack that injured nine others. On 25 January 2008, the head of the technical section of the Information Branch of the Internal Security Forces, Captain Wissam Eid — posthumously promoted to Major — was killed in a similar type of explosion together with five other victims. Forty-two people were injured in this attack.

10. United Nations Interim Force in Lebanon troops were attacked, for the third time in the past nine months, on 8 January. A week later, on 15 January, three people were killed and others wounded by a roadside bomb that detonated as an American Embassy vehicle drove by.

11. This climate of insecurity has led embassies to take a number of measures to protect their citizens in Lebanon, including, in some cases, warnings to avoid travel to the country.

12. The Commission too has implemented measures to address security issues. However, continued attacks on Lebanese officials and members of the international and diplomatic community, violent demonstrations and sporadic clashes between rival factions, as well as ongoing tensions within Palestinian refugee camps, remain a concern and have affected the freedom of movement of Commission staff. The increasing violence has not, however, affected the Commission's resolve.

III. New developments

A. New practices

13. The Commission has accelerated the pace of its operations. Since it last reported, it has more than doubled the number of requests for assistance sent to Lebanon and other States, from 123 to 256.

14. The Commission has also developed new investigative priorities and reallocated resources to support them. It has drawn up a revised schedule of priority interviews and follow-up interviews and implemented new procedures to streamline the process.

15. To improve the response time for forensic results, the Commission has increased the number of international laboratories it has access to. It has also obtained ready access to information databases on wanted persons, individuals with criminal records, missing or deceased persons, stolen identification documents and motor vehicles, as well as DNA profiles and fingerprints.

B. Fostering assistance from States

16. While the Commission is independent, it cannot operate in a vacuum. Indeed, the Commission acts on behalf of Member States and its success depends on their timely and effective assistance.

17. The Commission demonstrated renewed flexibility in the way assistance could be provided by Member States. The Commissioner has met with ambassadors and other State representatives and offered a new approach to cooperation: rather than operating solely on the basis of specific requests for assistance, the Commission asked State representatives how they could support the Commission and informed them of generic areas of assistance that could match their capabilities and the Commission's requirements.

18. This new flexible approach has already yielded results. The Commission is grateful to those States that have come forward with expertise or are endeavouring to make resources available. The Commission has found that even when resources are provided on a short-term basis, they can still make an important contribution to its work. It therefore renews its call for assistance to all Member States.

C. Providing a secure environment for cooperation

19. The Commission is mindful of the essential role played by witnesses and confidential sources as its investigation progresses and of the importance of identifying individuals prepared to appear as witnesses in future trials.

20. As a result, the Commission has implemented measures to reinforce a secure cooperation environment for those individuals and to protect the information it receives. It has enhanced its systems to protect highly sensitive information shared by witnesses and other sources, and has implemented a witness protection strategy specifically adapted to the future requirements of the Tribunal and based on internationally recognized best practices.

IV. Progress in the investigations

21. Confidentiality is key to any investigation. In reporting, the Commission continues to respect its obligation to preserve the confidentiality of the investigation, both to avoid compromising investigative techniques and to protect people and evidence.

22. An overview of the progress of the investigation in the Hariri case and other cases within the mandate of the Commission is provided below. Factual findings made during the reporting period are referred to, with due consideration given to confidentiality and security concerns.

A. Hariri investigation

23. The investigation in the Hariri case continues to be active in all areas. Its work has covered forensic examinations, analysis and evidence-gathering, including 34 interviews, some of which have been complex and time-consuming.

24. In its previous report the Commission mentioned a hypothesis that operational links might exist between some of the possible perpetrators of the different crimes under investigation.

25. The Commission can now confirm, on the basis of available evidence, that a network of individuals acted in concert to carry out the assassination of Rafiq Hariri

and that this criminal network, the "Hariri network", or parts thereof, are linked to some of the other cases within the Commission's mandate.

26. The Commission has also gathered evidence establishing that: (a) the Hariri network existed before the assassination of Mr. Hariri; (b) it conducted surveillance of Mr. Hariri before the assassination; (c) it was operative on the day of his assassination; and (d) at least part of the Hariri network continued to exist and operate after the assassination.

27. The Commission's priority is now to gather more evidence about the Hariri network, its scope, the identity of all its participants, their links with others outside the network and their role in other attacks that have been found to be linked.

28. The Commission will also focus on identifying links between the Hariri network and the remaining attacks within the Commission's mandate and, where such links are found to exist, their nature and scope.

29. The Commission has also pursued its investigation into the identification of the suicide bomber in the Hariri case. It has compared forensic information described in previous reports on the origin, characteristics and movements of the bomber to entry and exit records as well as the missing persons files of various countries to generate leads on the possible identity of the bomber. On the basis of those leads, DNA profiling is being conducted to further assist in the identification.

B. Progress in other investigations

30. The Commission currently has a mandate to assist the Lebanese authorities in the investigation of 20 attacks other than the Hariri attack. Investigations in the other cases also support the Hariri investigation.

31. Since its previous report, the Commission has been requested by the Security Council to assist the Lebanese authorities in the investigation of the attacks targeting Major General al-Hajj and Major Eid. As a result, the Commission's mandate currently encompasses, in addition to the Hariri investigation, investigations into 2 types of attacks: 11 targeted attacks on politicians, journalists and security officials and 9 non-targeted attacks involving bombings in public places.

32. To date, the Commission has provided assistance in those other investigations in such areas as forensic analysis; conducting interviews; creating crime reconstructions and three-dimensional modelling of crime scenes; communications analysis; the development of timelines of victims' movements; the collection, enhancement and review of imagery material; and analysis of e-mail traffic. The Commission has also launched a project to create standardized computer-generated sketches relevant to the investigations.

33. The Commission is also continuing to investigate links between those cases and the Hariri case, and progress in this area is summarized above. During the reporting period, 58 interviews were conducted as part of the technical assistance provided to the Lebanese authorities in those cases, including the investigation of the links between them and the Hariri case.

34. The Commission has also examined all physical items found at the crime scenes of the targeted attacks, including licence plates and possible remains of

improvised explosive devices. Fifty-eight items are currently undergoing further forensic analysis (DNA evidence, fingerprints, explosives, toolmarks, paint and metal) at international laboratories, and reports comparing the results in each of the investigations with the results in the Hariri investigation will follow.

35. The Commission also temporarily redeployed resources to the two new cases to fully exploit the opportunity to collect fresh evidence from the crime scenes and to interview witnesses while they can still easily recall events.

C. Murder of Major General François al-Hajj

36. At 7.06 a.m. on Wednesday, 12 December 2007, a bomb placed in a parked car was detonated as the vehicle of Major General al-Hajj, the head of operations of the Lebanese Army, drove by, killing him and his driver. Two days later, the Commission was invited by the Security Council to provide technical assistance to the Lebanese authorities in the investigation of the attack.

37. International forensics experts working for the Commission conducted a week-long forensic examination of the crime scene in cooperation with the Lebanese authorities, as well as an investigation of the area surrounding Major General al-Hajj's residence. A total of 112 physical items were recovered, most of which are currently being analysed at an international laboratory.

38. Analysis is under way to confirm preliminary findings about the improvised explosive device and to determine the type and quantity of explosives used in the attack.

D. Murder of Major Wissam Eid

39. At 9.54 a.m. on Friday, 25 January 2008, an explosion in a busy area of Beirut targeted Major Eid, head of the technical section of the Lebanese Internal Security Forces Information Branch. Major Eid, his driver and four others were killed in the attack. Six days later, on 31 January, the Commission was invited by the Security Council to provide technical assistance in the investigation.

40. International forensics experts working for the Commission examined the crime scene for six days in cooperation with the Lebanese authorities. A total of 136 physical items were recovered, most of which are currently being analysed at an international laboratory.

41. Although the investigation into this attack is still at an early stage, the Commission has already been able to isolate relevant DNA profiles. Initial expert findings also indicate that the types of explosives used in this attack were TNT and RDX.

42. In addition to its forensic work, the Commission has conducted a series of interviews to establish Major Eid's routines and regular movements; his specific movements in the weeks prior to his death; and his professional profile, including the work he was conducting and the level of public knowledge of that work. Interviews have also focused on gathering observations from individuals present at the crime scene and in the surrounding area at relevant times.

43. In the new cases, the Commission is working on a profile of the targeted victim and possible motives for the attack. It is also investigating links with other targeted attacks, including the one that targeted Hariri.

V. Cooperation with national and international authorities

A. Lebanese authorities

44. The Commission continues to maintain regular contact and interact closely with the Lebanese authorities on matters related to its investigations, as well as on matters relating to the security of the Commission and its staff. The Commission continues to enjoy close and collegial cooperation with those authorities, which has consistently been noted in previous reports.

45. The Prosecutor General of Lebanon remains the main interlocutor of the Commission. The Commission continues to meet with him and his staff on an almost daily basis to follow up on the increasing number of requests for assistance submitted to him. The Commissioner has also held more frequent bilateral meetings with the Prosecutor General to keep him informed of the Commission's activities and progress.

46. The Commission also held meetings with the investigative judge for the Hariri case and made a detailed presentation of its forensic findings to the investigative judges in the al-Hajj and Eid cases.

47. As the investigation continues, the Commission shares with the competent Lebanese authorities the substance of all relevant information obtained, without compromising the source of that information, to enable them to make an independent assessment of the evidence acquired to date and to act in accordance with that assessment, including in relation to detention.

48. The Commission continues to be extremely grateful to the Lebanese security forces for their relentless and effective support and assistance in protecting the Commission's staff and premises, without which the Commission could not continue its work.

B. Syrian Arab Republic

49. Since its previous report, the Commission has submitted eight requests for assistance to the Syrian Arab Republic, which has continued to provide responses within appropriate time frames. The Syrian authorities have also, during the period, facilitated one mission to the Syrian Arab Republic.

50. The Commission acknowledges the logistical and security arrangements made by the Syrian authorities for its mission. The cooperation provided by the Syrian authorities continues to be generally satisfactory.

51. The Commission will continue to request the full cooperation of the Syrian Arab Republic in the discharge of its mandate.

C. Other States

52. Out of the 256 requests for assistance issued by the Commission during the reporting period, 28 were sent to 11 Member States other than Lebanon and the Syrian Arab Republic.

53. Member States responded positively to the Commission's requests, mostly within appropriate time frames. Timely responses to requests for assistance are crucial to the progress of the investigation.

VI. Challenges

54. In addition to the challenges inherent in the general political and security climate, other challenges must be overcome by the Commission in its day-to-day operations.

55. Over the years, a number of cases have been added to the Commission's mandate without a proportionate increase in resources, adding pressure to staff and their work; six new cases have been added since November 2006. The number of investigators and analysts continues to be far lower than in comparable investigations.

56. In addition, traditional methods of investigation need to be adapted to the current environment. For example, the close scrutiny of the movements of Commission investigators, combined with the security climate, can hinder their ability to operate discreetly. In addition, issues such as the language capabilities of witnesses and investigators, cultural differences and security concerns affect the conduct of interviews.

VII. Transition

A. The process

57. Following the adoption of Security Council resolution 1757 (2007) establishing the Special Tribunal for Lebanon, and consistent with the recent report of the Secretary-General submitted pursuant to that resolution (S/2008/173), preparations for a transition from the Commission to the Office of the Prosecutor of the Special Tribunal have continued. The fact that the Commissioner is also the Prosecutor-Designate will ensure a coordinated transition between the two institutions.

58. When the Prosecutor is sworn in, he will review all the materials transmitted to him by the Commission and the Lebanese judicial authorities. Following the review, he may direct that additional investigations be conducted before being satisfied that the admissible evidence justifies the filing of an indictment. Only then will he submit an indictment for confirmation by the pretrial judge. Experience has taught that this process is not instantaneous.

B. Preparatory steps

59. The Commission's electronic data, documentary holdings and physical evidence are being prepared for the transition to the Office of the Prosecutor of the Special Tribunal for Lebanon. Those preparations include organizing the physical transfer of evidentiary materials in accordance with applicable international standards.

60. The Commission has also assumed custody of all physical items that were seized from various locations relevant to the Hariri investigation and is making an inventory of them. The Commission is cooperating with the Prosecutor General and the investigative judge in the Hariri case in preparing the transfer of documents and exhibits currently in the possession of the Lebanese authorities to the Tribunal.

61. The transition raises untested legal issues at the crossroads of Lebanese and international criminal laws, which the Commission has begun to review.

VIII. Conclusion

62. The Commission's investigation must continue to be guided solely by the facts and by the evidence. Its conclusions cannot rely on rumour or assumption; they must be supported by reliable evidence that will be admissible before a tribunal.

63. The search for justice must be allowed to follow its course. As the preparatory steps for the Special Tribunal for Lebanon continue, the Commission remains committed to that search with vigour and determination.

United Nations S/2008/211

Security Council

Distr.: General
28 March 2008

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested the Secretary-General to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK, and developments related thereto, from 16 December 2007 to 1 March 2008.

II. Political situation

2. On 19 December 2007, the 2007 electoral process was concluded with the certification of the results of the second round of mayoral and municipal elections. The Assembly of Kosovo held its inaugural session in two parts. On 4 January 2008 the members of the Assembly took their oath. On 9 January the Assembly elected its President and members of its Presidency, and re-elected Fatmir Sejdiu as President of Kosovo. On the same day, the Assembly voted into office a new coalition government formed by the Democratic Party of Kosovo (PDK) and the Democratic League of Kosovo, led by Prime Minister Hashim Thaçi (PDK). Six out of 10 Kosovo Serb members of the Assembly took the oath of office; the remaining four did not. Representatives of political parties representing the Kosovo Serb community were allocated the Ministry of Communities and Returns and the Ministry of Labour and Social Welfare, while the Ministry of Environment and Spatial Planning was allocated to a party representing the Kosovo Turk community.

3. On 17 February, the Assembly of Kosovo held a session during which it adopted a "declaration of independence", declaring Kosovo an independent and sovereign State. The declaration stated that Kosovo fully accepts the obligations of the Comprehensive Proposal for the Kosovo Status Settlement (S/2007/168/Add.1). Prime Minister Thaçi stated that there would be equal opportunities for all of Kosovo's inhabitants and that discrimination against members of minority communities would be eliminated. The declaration also pledged that Kosovo would adhere to resolution 1244 (1999) and would commit itself to working constructively with the United Nations. One hundred and nine out of 120 Assembly members present voted in favour of the declaration. The 10 Kosovo Serb deputies of the Kosovo Assembly did not attend the session.

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4. I immediately drew this development to the attention of the Security Council, so that it could consider the matter. In doing so, I reaffirmed that, pending guidance from the Security Council, the United Nations would continue to operate on the understanding that resolution 1244 (1999) remains in force and constitutes the legal framework for the mandate of UNMIK, and that UNMIK would continue to implement its mandate in the light of the evolving circumstances.

5. On 18 February, I received a letter from Javier Solana, the European Union's High Representative for the Common Foreign and Security Policy, informing me of the decision of the European Union to deploy a rule of law mission within the framework provided by resolution 1244 (1999), and to appoint a European Union Special Representative for Kosovo who would, among other functions, coordinate the work of the European Union in Kosovo.

6. The authorities in Belgrade and Kosovo Serbs condemned the declaration of independence. On 18 February, Boris Tadić, President of Serbia, informed me that Serbia had adopted a decision stating that the declaration of independence by Kosovo represents a forceful and unilateral secession of a part of the territory of Serbia, and does not produce any legal effect either in Serbia or in the international legal order.

7. The Kosovo Serbs reacted to the declaration of independence in a number of ways. They held daily, largely peaceful protests in several areas in Kosovo where Kosovo Serbs live, including northern Mitrovicë/Mitrovica, Graçanicë/Gračanica, Kamenicë/Kamenica and Shtërpcë/Štrpce. Regrettably, however, some protests turned violent, particularly in northern Kosovo, where on 19 February two Customs service points on the Administrative Boundary Line were attacked and destroyed by small groups of violent demonstrators.

8. Following Kosovo's declaration of independence, Kosovo Serbs, with the support of the Serbian authorities, have expanded their boycott of the institutions of Kosovo to include UNMIK Customs, the Kosovo Police Service (KPS), the Kosovo Corrections Service, the judicial system, municipal administration, and UNMIK railways. This expanded boycott has not been uniform, however. Although Kosovo Serb civil servants have stopped coming to work in municipalities where they make up either a majority, or a significant proportion, of the population, such as Shtërpcë/Štrpce, Kamenicë/Kamenica, Novobërdë/Novo Brdo and Gjilan/Gnjilane, they continued to work in municipalities where they remain a small minority, such as Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan and other areas. Kosovo Serbs also continued to work in the Kosovo Police Service in northern Kosovo, where international UNMIK police exercise direct operational command of policing functions. At the central level, leaders of Kosovo Serb political parties continued to have informal contacts with UNMIK and the Government of Kosovo. Although Kosovo Serb ministers in the Ministries of Labour and Social Welfare and Communities and Returns were not present in their workplaces on a regular basis, they remained engaged informally in the work of their ministries.

9. The Kosovo Albanian community's reaction to these events has been restrained. The Kosovo Government repeatedly called for calm, patience and trust in the ability of the international civil and military presences in Kosovo to manage the situation. Prime Minister Thaçi held outreach visits to the Kosovo Serb minority community throughout Kosovo.

10. My Special Representative continued to reach out to the Kosovo Serb community, meeting with different groups, including the mayors of Kosovo Serb-majority northern municipalities, students of Mitrovicë/Mitrovica University and residents in Graçanicë/Gračanica, in order to instil calm and to reiterate that UNMIK continues to operate under the framework of resolution 1244 (1999). UNMIK has addressed the challenges faced in Kosovo Serb majority areas following the declaration of independence in a manner consistent with resolution 1244 (1999). Where and when required, UNMIK has taken measured steps, in cooperation with KFOR, to impose law and order, with the aim of ensuring that the political and security situation in Kosovo remained stable. Nevertheless, Kosovo Albanians voiced their frustration with UNMIK, and perceive it as not having dealt adequately with those challenges. This has manifested itself through statements made by Kosovo Government officials criticizing UNMIK for not preventing Serbian Government Ministers from visiting Kosovo, and statements expressing an expectation that UNMIK will cease its operations and transfer its powers to the local authorities by June.

III. Security

11. Despite a number of serious security incidents, the overall security situation in Kosovo during the reporting period remained calm though tense. Isolated incidents occurred in the days immediately before and after the declaration of independence. Hand grenade and arson attacks were directed against UNMIK and European Union premises and vehicles in northern Mitrovicë/Mitrovica and Zubin Potok, which caused limited material damage. On 29 February, four United Nations vehicles were damaged when an explosive device, possibly a grenade, detonated between the building of the UNMIK-run Court and a police station in northern Mitrovicë/Mitrovica. The Kosovo Serb protests against Kosovo institutions, such as the UNMIK Court and Detention Centre in northern Mitrovicë/Mitrovica, have been generally peaceful. The most significant exception was the burning down of UNMIK police and Customs facilities at the two crossing points with Serbia on the Administrative Boundary Line in northern Kosovo. UNMIK, with KFOR support, restored order. Traffic was closed at the two crossings for approximately 24 hours, following which they were reopened for light, non-commercial traffic. UNMIK is examining options for the resumption of Customs collection at these two points. On 3 March, Serbian Railways staff attempted to establish operational control over a section of Kosovo's railway network in the municipality of Zveçan/Zvečan, in violation of a 2003 memorandum of understanding. This attempt was stopped by UNMIK on 4 March, but the regular cooperative service between Serbian and UNMIK railways has been suspended.

12. In several Kosovo Serb areas in southern Kosovo, where operational police competencies have been transferred to the Kosovo Ministry of the Interior, Kosovo Serb police officers stated that they would no longer recognize the KPS chain of command and demanded that they be placed under the direct command of international UNMIK police officers. Efforts by the Kosovo Police Service and UNMIK to convince those Kosovo Serb police officers to return to work have so far not been successful, resulting in their suspension. Discussions between UNMIK and the Kosovo Police Service and the officers in question are continuing. The gap resulting from the suspension of the Kosovo Serb officers has been temporarily and

partially filled by international UNMIK police officers. In northern Kosovo, where operational police competencies have not been transferred from UNMIK to the Kosovo Ministry of the Interior and the Kosovo Police Service remains under UNMIK command, the situation remained unchanged.

IV. Standards and European integration

13. Following its incorporation into Kosovo's European partnership programme in 2006, the standards programme continued to be the focus of sustained effort on the part of the Kosovo institutions, with the support of the international community. The technical assessment of standards implementation prepared by my Special Representative (see annex I) provides a detailed account of developments in fields covered by the standards programme during the reporting period. On 13 February 2008, the European Union agreed on a new European Partnership Action Plan for Kosovo.

V. Economy

14. Following the incidents which led to the destruction of Customs facilities at two crossing points in northern Kosovo, gates 1 and 31 were officially closed for commercial quantities of third-country goods and high-revenue-risk goods such as oil. These were redirected to other entry gates into Kosovo. Despite an agreement to this effect, Serbian Customs have nonetheless on several occasions allowed commercial vehicles to pass through the affected gates, leading to fiscal revenue loss for lack of UNMIK Customs collection for this commercial traffic. UNMIK has requested the swift secondment of additional international Customs officials from a number of countries to supplement the small number of international staff currently working in UNMIK Customs.

15. On 29 February, my Special Representative signed the 2008 budget, as previously endorsed by the Economic and Fiscal Council. The approved budget expenditure amounts to €1.1 billion.

VI. Governance

16. During the reporting period, Kosovo has brought forward a process to draft a new Constitution and, since the declaration of independence, this process has intensified. It is expected that a final text will be presented to the Assembly of Kosovo for approval around the beginning of April and that it will contain provisions for entry into force in mid-June.

17. The establishment of municipal institutions in accordance with UNMIK regulations is well under way throughout Kosovo, with the exception of the Kosovo Serb-majority municipalities of Leposaviq/Leposavić, Zveçan/Zvečan, Zubin Potok, Shtërpcë/Štrpce and Novobërdë/Novo Brdo. All municipal assemblies held their inaugural sessions in a timely manner, except those in the northern municipalities of Leposaviq/Leposavić, Zveçan/Zvečan and Zubin Potok, where no inaugural sessions of municipal assemblies have been held thus far, and none of the appointed mayors have taken up their responsibilities with regard to the exercise of executive

functions. In the remaining 27 Kosovo municipalities, almost all newly elected members of local assemblies have taken their oaths, and all mayors have assumed their posts.

VII. Decentralization

18. On the recommendation of the Minister for Local Government Administration, UNMIK extended the mandate of the three Pilot Municipal Units of Junik, Han i Elezit/Đeneral Janković and Mamuşa/Mamuša, until such time as new legislation is issued to settle their eventual status. The Minister is also considering changes in the composition of the Provisional Municipal Assemblies of the three Pilot Municipal Units, in view of the results of the elections held in November 2007.

19. Preparations to restructure local government have also moved forward with the adoption by the Kosovo Assembly of new legislation on local self-government and municipal boundaries, which is expected to come into effect in due course. This legislation includes new Kosovo Serb-majority municipalities and foresees the conversion of the three Pilot Municipal Units into fully fledged municipalities. With the adoption of these new laws and their entry into force, the total number of municipalities in Kosovo would increase from 30 to 38. The newly adopted draft law on municipal boundaries specifies that the decentralization process will be reviewed six months after a census (now planned for 2010) is conducted. The Kosovo Serbs have, however, continued to boycott the decentralization process.

VIII. Cultural and religious heritage

20. After its successful work on 13 sites in 2007, the Reconstruction Implementation Commission expects to conclude its commitments in 2008. However, the first Commission meeting of the year, scheduled for 27 February 2008, was not held, as senior representatives of the Serbian Orthodox Church and the Serbian Institute for the Protection of Monuments did not participate, citing the current political situation. The future of the Commission has been further thrown into doubt by an agreement, signed by Bishop Artemije and the Minister for Religion of Serbia, for direct assistance to the Serbian Orthodox Church in Kosovo by the Government of Serbia, as well as by statements by Bishop Artemije that the memorandum of understanding between the Serbian Orthodox Church and the Provisional Institutions of Self-Government, by which the Commission was established, was no longer valid in the light of Kosovo's declaration of independence.

21. During the reporting period, the Kosovo Police Service increased patrols of religious and cultural sites by over 30 per cent from its previous weekly average of 2,000. In December 2007, KPS authorized 24-hour static presence at the Church of the Holy Virgin (Bogorodica Ljeviška) and the Church of St. Kyriake in Prizren, and the Church of St. Nicholas in Prishtinë/Priština. Hourly patrols and static presence at night were later extended to the Church of St. Andrew in Podujevë/Podujevo. In February, a private security company contracted by the Ministry of Culture, Youth and Sports, with the approval of the Serbian Orthodox Church, began implementing additional security measures at 15 vulnerable Church sites. There were fewer incidents targeting religious sites, both Islamic and Orthodox, with some

14 incidents reported (12 involving theft and two vandalism). Sixteen persons were arrested in 10 cases. On 25 February, the suspected fugitive for the attack against the Visoki Dečani Monastery in March 2007 surrendered to the Kosovo Police Service and voluntarily made a statement to investigators. In February, the Kosovo Assembly adopted the Law on the Establishment of Special Protective Zones, which will come into effect in due course.

IX. Human rights

22. UNMIK continued its dialogue with United Nations treaty-monitoring bodies. A report was delivered to the Committee on Economic, Social and Cultural Rights in October 2007 and will be considered later this year. An additional report to the Human Rights Committee will be submitted by April. A report to the Committee on the Elimination of Discrimination against Women is pending.

23. The overall compliance with the Prime Minister's administrative instructions regarding the establishment of human rights units within ministries reached approximately 70 per cent late in 2007. However, many ministries still lacked appropriate levels of human and other resources in human rights units to ensure their effective operation. Another obstacle was the different interpretation of the mandate of the Prime Minister's Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender and the Prime Minister's Office for Gender Equality.

24. The Human Rights Advisory Panel has held three working sessions since its inaugural session in November 2007. The Panel elected its Presiding Member, adopted its rules of procedure and continued with its examination of complaints, dealing with issues such as property rights and access to courts. It delivered its first decision in February.

25. In March the Kosovo Assembly issued a new call for nominations for the position of Ombudsperson. This will be the third attempt by the Assembly to appoint an Ombudsperson. An Acting Ombudsperson has been in place for more than two years. It is hoped that the Assembly will move expeditiously to complete the appointment process, while also ensuring that the process adheres to the highest international standards so as to maintain the independence and impartiality of the institution.

X. Returns

26. During the reporting period, there were no unusual population movements out of minority community areas. Slightly more internally displaced persons returned to Kosovo in 2007 than in 2006, but the number of returns remains disappointingly low. The Office of the United Nations High Commissioner for Refugees estimates that 1,756 minority community members (31.8 per cent of them Kosovo Serbs) returned in 2007 as opposed to 1,668 in 2006, the highest number of returns being in the regions of Gjilan/Gnjilane and Mitrovicë/Mitrovica. In addition, 19 Kosovo Roma families returned to Abdullah Presheva/Abdullah Preševo (Gjilan/Gnjilane) on 26 February.

27. Although the allocated funding for the Ministry of Communities and Returns increased to €7.14 million for 2008, as against €5.2 million in 2007, lack of funding remained an important obstacle to returns. There is a current gap of €18 million for 23 approved organized returns projects. The Ministry faced a wide range of irregularities in administration, management and budget and finance-related issues. The arrival of the new Minister for Communities and Returns coincided with the suspension and subsequent dismissal of five directors in the Ministry on charges of corruption and the misuse of funds.

XI. Forward planning

28. UNMIK has continued to engage in ongoing technical discussions with international and local partners on preparations for possible future arrangements. This has been done without prejudging the continuing mandate of UNMIK in accordance with resolution 1244 (1999), and with a view to implementing its mandate in the light of the evolving circumstances.

XII. Observations

29. Since Kosovo's declaration of independence, UNMIK continues to operate on the understanding that resolution 1244 (1999) remains in force, unless the Security Council decides otherwise. I note that Kosovo's leaders have stated that they will act in a manner consistent with the principles of international law and the resolutions of the Security Council, including resolution 1244 (1999). I also note that the authorities in Belgrade have reiterated their commitment to resolution 1244 (1999).

30. It is evident that Kosovo's declaration of independence has had a profound impact on the situation in Kosovo. The declaration of independence and subsequent events in Kosovo have posed significant challenges to the ability of UNMIK to exercise its administrative authority in Kosovo. To address these challenges, UNMIK, guided by the imperative need to ensure peace and security in Kosovo, has acted, and will continue to act, in a realistic and practical manner and in the light of the evolving circumstances.

31. Any violence, whether directed at UNMIK personnel or facilities or against members of any of Kosovo's communities, is unacceptable and cannot be tolerated. I urge all sides to reaffirm and act upon their commitments to refrain from any actions or statements that could endanger peace, lead to violence or jeopardize security in Kosovo and the region.

32. The evolving reality in Kosovo is likely to have significant operational implications for UNMIK. Pending Security Council guidance, there might be a need for UNMIK to adjust its operational deployment to developments and changes on the ground in a manner consistent with the operational framework established under resolution 1244 (1999).

33. The overriding need to ensure peace and security in Kosovo carries with it an obligation to address the reality on the ground as it develops. The efforts of the United Nations in Kosovo are aimed at ensuring that the political and security

situation in Kosovo and in the wider region remains stable, and that the safety and security of the population are preserved.

34. I would like to express my appreciation and gratitude to my Special Representative, Joachim Rücker, and to his staff in UNMIK, for their dedicated efforts and commitment to move Kosovo forward. I would also like to extend my thanks to the United Nations partners — KFOR, the European Union, the Organization for Security and Cooperation in Europe — as well as to the United Nations agencies, funds and programmes and other contributors for their support.

Annex I

Technical assessment of progress in the implementation of the standards for Kosovo

Prepared by the Special Representative of the Secretary-General for Kosovo, 1 March 2008

1. Standards implementation within the framework of the European Partnership for Kosovo continued during the reporting period under the lead of the Agency for European Integration.

2. The declaration of independence by the Kosovo Assembly on 17 February 2008 committed Kosovo to continuing the implementation of reforms required for European integration, and noted Kosovo's obligation to protect and promote the rights of all communities.

Functioning democratic institutions

3. The reporting period was marked by the formation of the Kosovo Government at the central level and of local administrations at the municipal level. The new Assembly of Kosovo was inaugurated on 4 January 2008. On 9 January, the Assembly elected its President and six members of the Presidency of the Assembly. The election of the Kosovo Serb representative and the other non-Albanian representative on the Assembly Presidency was completed on 15 February, after initially being postponed to allow for further consultation between the parties representing minority communities. The Assembly re-elected the President of Kosovo at its session on 9 January, and elected the Prime Minister and Government, including one Kosovo Turk and two Kosovo Serb ministers.

4. The mayoral elections in 26 municipalities were certified on 19 December. In four municipalities (Leposaviq/Leposavić, Shtërpcë/Štrpce, Zubin Potok and Zveçan/Zvečan) where the low level of Kosovo Serb participation in the elections led to non-representative results, the Special Representative of the Secretary-General appointed members of the municipal assemblies and mayors in order to ensure an equitable representation of communities in the municipal structures. In Novobërdë/Novo Brdo, where the population is nearly equally split between Kosovo Serbs and Kosovo Albanians, the mayoral election was certified, while the members of the municipal assembly were appointed to ensure equitable representation.

5. The 2007 report on fair-share finance shows that 24 of the 27 concerned municipalities have submitted their reports. Zubin Potok, Zveçan/Zvečan and Leposaviq/Leposavić did not report on fair-share finance expenditures. Eighteen of the 24 reporting municipalities fulfilled or exceeded their quotas. For the fourth quarter, the overall effective fair-share finance allocation was 13.9 per cent, above the overall 12.5 per cent quota.

6. The Official Gazette of the Provisional Institutions of Self-Government has published 78 of the 142 Assembly laws promulgated by the Special Representative of the Secretary-General. The website of the Gazette is up to date and the indexes for 2006 and 2007 are available.

7. Internal audit units are functioning and audits are being conducted in all ministries and most municipalities. The Office of the Auditor General continues the

audit of financial statements for 2006 for all budgetary organizations. The audit report findings relate mainly to inconsistencies with the legal requirements and financial management, including substantial weaknesses in the internal control system.

8. The Independent Oversight Board continued its work uninterrupted by the elections and other political developments. In this context, the Board monitored 37 events to select civil servants in the ministries and municipalities. The Board dealt with 71 complaints which it received during the reporting period. On 27 February, the regulation amending Regulation 2001/36 and transforming the Independent Oversight Board into an autonomous body reporting directly to the Assembly of Kosovo was signed by the Special Representative of the Secretary-General.

9. Concerns exist about the future participation of Kosovo Serbs in the civil service following the declaration of independence. Many Kosovo Serbs started to report back to work, after an initial hiatus following the declaration, but the situation is fluid and varies from area to area across Kosovo.

10. On 3 March 2008, the Anti-Corruption Agency submitted its first annual report to the President of the Assembly of Kosovo. The implementation of the anti-corruption action plan still remains behind schedule, however, in the areas of administrative, police and judicial reform. At the end of January, some staff members of the Agency reportedly received death threats in relation to ongoing investigations and filed complaints with the police.

11. Since the middle of December, the Acting Ombudsperson has received 101 complaints, 85 of them made by Kosovo Albanians and 10 by Kosovo Serbs. During the same period, it closed 99 cases, having received 84 responses from various institutions to its queries. On 21 February, the Presidency of the Kosovo Assembly decided to advertise the position of the Ombudsperson for the third time.

12. The new Kosovo Government includes two female Ministers (Ministry of Energy and Mines and Ministry of Justice) and two female deputy Ministers (Ministry of Culture, Youth and Sports and Ministry of Health), compared with one female Minister and one female Deputy Minister in the previous Government. This increase, however, is not by itself sufficient to meet the goals of gender equality at decision-making levels.

13. Of 114 licensed broadcasters in Kosovo, 44 broadcast in minority languages. Two stations broadcast equally in Albanian and Serbian. Thirty-five broadcasters carry further programming in languages additional to their primary language, including 19 which also broadcast in the Roma language.

14. The second round of grants awarded to minority, multi-ethnic and disadvantaged media is still pending. The first grants were awarded in 2006. No grants were distributed in 2007. Radio Television of Kosovo (RTK) has so far transferred €140,000 to the Minority Media Fund for 2007. RTK is legally obliged to transfer 5 per cent of the public broadcast fee it collects to the Media Minority Fund, although the equivalent of seven months of contributions remains to be transferred.

Challenges ahead

15. The Assembly of Kosovo should expedite the selection of a new Ombudsperson, avoiding previous shortcomings in the selection process. The Assembly should also review the issues raised in the last annual report of the Ombudsperson and case reports and take on a more active role in this respect.

16. The Official Gazette of the Provisional Institutions of Self-Government maintains the level of publication of one volume per month, a pace which is not sufficient to reduce the backlog, but only just enough to avoid an increase. Additional financial resources are needed to redress the backlog of unpublished legislation. Amendments promulgated by UNMIK should be fully incorporated in legal texts in their original version.

17. The Senior Public Appointments Commission needs to resist politicization of the senior levels of the civil service and continue providing checks on the process.

18. The new Government and the new municipal administrations need to strengthen the organization and operation of the gender equality structures at both the central and municipal levels. Significant work is needed to raise the level of public awareness of women's rights throughout Kosovo.

Rule of law

19. Crime clearance rates remained comparable for all communities: crimes against property are at 45 per cent and crimes against persons at 71 per cent. More serious crimes have higher clearance rates than less serious crimes because of the resources allocated to their investigation.

20. Five District Legal Aid Bureaux were opened in January, following the inauguration of the Legal Aid Commission of Kosovo in September 2007. A total of 19 staff were recruited to the Legal Aid Commission, including three minority staff members. UNMIK has made available premises in northern Mitrovicë/Mitrovica to facilitate access to the bureaux by members of all communities.

21. On 25 January 2008, five Kosovo Albanians were convicted of criminal conduct during the March 2004 riots in Fushë Kosovë/Kosovo Polje. This raised to 35 the number of defendants convicted in relation to the riots of March 2004 in cases prosecuted by international prosecutors. Local prosecutors have brought criminal charges against more than 300 people for offences related to those riots, resulting in the convictions of 145 people in Municipal and District Courts. Twenty-one cases remain unsolved. In the Minor Offences Courts, 157 persons have been charged, resulting in convictions for 116 persons. There are no more unsolved March riots cases in the Minor Offences Courts.

22. Three new Special Prosecutors were recruited for the Kosovo Special Prosecutors Office, which will raise the number to eight once they are appointed by the Special Representative of the Secretary-General. On 4 February, the Special Prosecutors Office secured a conviction against one defendant in a weapons-related offence. One Municipal Court judge pleaded guilty to accepting bribes while holding public office, and 15 suspects were arrested and detained on remand in a human trafficking case. Special Prosecutors filed indictments against six defendants charged with human trafficking, facilitation of prostitution and money-laundering

and against another six defendants charged with fraud, tax evasion and money-laundering.

23. On 25 February 2008, the fugitive suspect in the attack of March 2007 on the Decani Monastery, accompanied by his attorney, voluntarily surrendered to the Special Prosecutors Office and the Kosovo Police Service and made a statement. The suspect was detained after a hearing on 27 February, and an indictment is being prepared by the Special Prosecutors Office.

24. The capacity-building of local staff working at the Financial Intelligence Centre continues to make significant progress. The number of intelligence reports of suspected money-laundering violations continues to rise, and the quality of the reports drafted by local intelligence analysts is improving steadily.

25. Minority representation of judges and prosecutors is 12 per cent (5 per cent Kosovo Serb) and 7 per cent (3 per cent Kosovo Serb), respectively. Female representation is 26 per cent for judges and 21 per cent for prosecutors. Minority representation of court staff is 11.2 per cent (7.6 per cent Kosovo Serb) and female representation is 42.8 per cent.

26. Minority representation within the Kosovo Police Service remained roughly constant, at 14.2 per cent (with Kosovo Serb representation at 9.3 per cent). However, the multi-ethnic character of the Police Service has been challenged since the declaration of independence, because Kosovo Serb police officers in many southern Kosovo municipalities were suspended following their statement that they would no longer recognize the KPS chain of command and their demand to be placed under the direct command of UNMIK police. Minority representation in the Kosovo Corrections Service remained at 14.2 per cent (10.3 per cent Kosovo Serb). Female representation held steady at 14.9 per cent in the Police Service and remained at 17 per cent in the Corrections Service.

27. On 19 February, groups of violent protestors set fire to the UNMIK police and Customs facilities at gates 1 and 31 in northern Kosovo, forcing police and customs officers to be evacuated. UNMIK, with KFOR assistance, promptly restored police checks at the crossing points and is currently examining options for the resumption of Customs collection. On 25 February, 19 KPS officers were injured when they were attacked by protestors who entered the buffer zone from Serbia and hurled stones at police. In both cases KFOR intervention was required to restore order.

28. A new police substation was established in the Serb-majority village of Lepi/Lepina, raising the number of existing substations in Kosovo to 22. The functional level of the substations is uneven, some being fully equipped and staffed while others suffer from a lack of equipment and support. The suspension of the Kosovo Serb KPS officers has also affected the functioning of substations in Kosovo Serb areas.

29. Despite progress in the relationship between the Ministry of Internal Affairs and the Kosovo Police Service, sustained efforts are needed to get the Police Service to accept the Ministry's oversight. To promote the needed cooperation, the Minister has prioritized the strengthening of the Police Policy Unit to include KPS officers from the KPS Policy Unit to limit duplication and more effectively assess risks to public safety and develop mitigation responses.

Challenges ahead

30. Further work is needed to effectively protect witnesses from intimidation. The UNMIK Task Force on Witness Protection appointed in 2007 is expected to finalize its report and recommendations in the coming weeks, which will include the text of a draft law on witness protection.

31. The judicial system's inadequate resources continue to pose a significant challenge to professional human resource management in the courts and judiciary.

32. The Law on Courts should be finalized.

33. The Government should facilitate further transfer of responsibility for missing persons and forensics, especially the establishment of a unified institute for missing persons and forensics under the Ministry of Justice.

Freedom of movement

34. The freedom of movement surveys conducted by the Kosovo Police Service continue to show that over 95 per cent of minorities travel outside their area of residence.

35. On 16 December and 24 February, two separate groups of 49 Orthodox pilgrims and 50 Kosovo Serbs from Serbia proper, escorted by the Kosovo Police Service, visited the Serbian Orthodox Monastery of Holy Archangels and the Churches of St. George and the Holy Virgin Ljeviška in Prizren. On 17 December, approximately 60 Kosovo Serb returnees from Klinë/Klina participated, without escort, in an annual religious holiday at Dević Monastery in Skenderaj/Srbica. On 19 December, 30 Kosovo Serbs from Graçanicë/Gračanica visited the Church of St. Nicholas in Prishtinë/Priština. On 20 December, on the occasion of a Muslim holiday, 200 displaced Kosovo Albanians visited graveyards in northern Mitrovicë/Mitrovica.

36. There has been significant progress in the freedom of movement of Kosovo Serbs in Vushtrri/Vučitrn and Klinë/Klina. They are moving without escort and enjoy good business cooperation with their Kosovo Albanian neighbours. In Vushtrri/Vučitrn two Kosovo Serbs joined a local professional basketball team.

37. Political leaders continue to condemn incidents of violence against minorities and religious sites. The Prime Minister met with the mayors of most municipalities in February and called on them to approach their constituents and the Kosovo Serb community and reassure them of a continued safe and secure environment.

38. Little progress has been achieved in developing the humanitarian transport service which was handed over to the Ministry of Transport and Communications on 1 January 2007. The Ministry has issued an administrative instruction on the requests for new lines on 24 December 2007 but it was formally made available to municipalities only on 5 March 2008. The Ministry failed to convene the Transport Advisory Committee during the reporting period.

39. A bus travelling from Dragash/Dragaš to Belgrade was stopped by masked, armed men on 6 December and 7 February. The police made several arrests in connection with an extortion ring against the bus company.

Challenges ahead

40. Substantial efforts are needed from the Ministry of Transport and Communications to develop the humanitarian transport service. While a procedure for requesting new lines is being established the Ministry has not increased its budget allocation to meet those requests.

Sustainable returns and the rights of communities and their members

41. The number of minority returns to Kosovo, while remaining low, showed minor improvement. More internally displaced persons returned to Kosovo in 2007 (1,759) than in 2006 (,668).

42. Nineteen Roma families returned to Gjilan/Gnjilane town on 26 February, marking the completion of another phase of the Abdullah Presheva/Abdullah Preševo urban returns programme with the support of the United Nations Development Programme.

43. The Ministry of Communities and Returns budget for returns is €7.14 million for 2008. The Ministry has proposed allocating this amount for community development and stabilization projects, construction of social housing for the internally displaced persons in Llapllaselë/Laplje Selo (Prishtinë/Priština), organized return projects, individual returns, and a new return programme known as SPARK (Sustainable Partnerships for Assistance to Returns in Kosovo).

44. No incidents of violence occurred during celebrations following the declaration of independence by the Assembly of Kosovo, and there were no indications of significant population movements either to or from Kosovo. However, a few minority community members from villages in Klinë/Klina, Fushë Kosovë/Kosovo Polje and Ferizaj/Uroševac reportedly left Kosovo as a precautionary measure on the eve of the declaration of independence. The few who left Kosovo have now returned. For instance, in the Ferizaj/Uroševac municipality, the Kosovo Serb returnees who left Babuš/Babush, Talinoc/Talinovac and Bablak/Babljak villages because of fear of violence and intimidation after the declaration of independence came back home within days. Many Kosovo Serb returnee leaders have also confirmed their decision to stay in Kosovo regardless of political developments.

45. As part of its financial and managerial streamlining efforts, the Ministry of Communities and Returns closed three field offices in Kamenicë/Kamenica, Shtërpcë/Štrpce and Rahovec/Orahovac.

46. In the Ministry of Communities and Returns, five directors were suspended and later dismissed on charges of corruption and misuse of funds. The new Minister assumed duties on 11 January and pledged to address the administrative, managerial and financial shortcomings of the Ministry. However, appointments of new acting directors were made in violation of the applicable rules and procedures.

47. The readmission policy and procedures, which aim at promoting a sound and operational framework for readmission management in Kosovo, became operational on 1 January 2008. The policy, together with its standard operating procedures, was

established in the context of the handover of readmission functions from UNMIK to the Ministry of Internal Affairs.

48. The oversight responsibility for the management of Camp Osterode, a Roma Ashkali Egyptian camp for internally displaced persons in northern Mitrovicë/Mitrovica, was transferred from UNMIK to the Ministry of Communities and Returns in February.

Challenges ahead

49. The Government needs further engagement in the Roma Mahala returns project in Mitrovicë/Mitrovica town. The Ministry of Communities and Returns needs to urgently allocate additional funding for the project and the municipality needs to ensure the prompt implementation of the urban regulatory plan approved by the municipal assembly.

50. With the support of UNHCR, the Ministry of Communities and Returns has achieved progress towards the finalization of the returnee database, but progress is still needed in establishing the database of internally displaced persons.

51. The Ministry of Communities and Returns needs to take leadership in the functioning of the communities' outreach and communications group, which holds the mandate to implement the returns outreach and communication strategy.

52. The operational plan and budgetary allocation for the reintegration strategy needs to be finalized as a matter of priority, while an adequate number of personnel in the Ministry of Internal Affairs is required for the implementation of the readmission policy.

Economy

53. On 15 February, the Assembly of Kosovo approved the budget for 2008, as previously endorsed by the Economic and Fiscal Council. The approved budget amounts to €1.1 billion, a substantial increase over the €718 million budget for 2007. It was promulgated by the Special Representative of the Secretary-General on 29 February.

54. As at 1 January, the Kosovo Trust Agency has launched 30 waves of privatization, and 549 new companies have been derived from the assets of 312 socially owned enterprises tendered for sale. A total of 345 sales contracts have been signed and an additional 146 are pending signature.

55. As at 1 January, total privatization proceeds amounted to more than €362 million; €72 million of this amount is due to the eligible former workers of privatized enterprises, of which more than €15 million has already been disbursed to the Independent Union of Trade Unions, which distributes the proceeds to the eligible former workers.

56. The Board of Directors of the Kosovo Trust Agency has approved a total of 107 liquidations with total proceeds amounting to €3,797,992.

57. On 1 November, the Board of Directors approved the incorporation plan for seven waste enterprises and three irrigation enterprises. These were incorporated on

31 December 2007, and started operating as joint stock companies as from 1 January 2008.

58. The Kosovo Energy Corporation revenue collection for the year 2007 stood at 53.5 per cent of energy available for sale, a considerable increase compared to the collection rate of 39.3 per cent of energy available for sale in 2006. The strong gains made in the first three quarters of 2007 were however considerably offset in the final quarter, which saw the percentage of collections against energy available for sale drop to 33 per cent. This decline was unusually steep even considering that a seasonal drop in collection during the autumn and winter months is common. Factors such as the unusually erratic power supply during and after the rehabilitation of the B units, and the cancellation of the memorandum of understanding connecting vehicle registration to electricity payment may all have contributed.

Challenges ahead

59. The Kosovo Government needs to fully implement its commitments to the International Monetary Fund, including the need for stricter control, or revision of, eligibility criteria for basic pensions and other social benefits; refraining from the introduction of new social benefit schemes; the alignment of proposed legislation with available resources; and the commencement of detailed planning to implement the proposed reduction in public employment.

60. Budget organizations need to take immediate steps to implement the Auditor General's recommendations regarding procurement and financial management practices.

61. The tax administration of Kosovo needs to further develop its systems to improve domestic revenue collection.

Property rights

62. Twenty-two decisions of the Housing and Property Claims Commission are pending implementation, out of a total of 29,160 adjudicated cases. All of the cases pertain to properties located in the northern part of Mitrovicë/Mitrovica.

63. The Kosovo Property Agency has so far received 32,961 claims covering agricultural, commercial and residential properties. Over 90 per cent of claims pertain to agricultural property. The claim intake closed on 3 December 2007. The Kosovo Property Claims Commission has already issued decisions on 5,749 claims (6.8 per cent).

64. Implementation of the rental scheme for properties under Kosovo Property Agency administration continues; 2,724 holders of property rights covering 4,441 properties are included in the scheme. Under the scheme 479 evictions have been implemented and 758 occupants are currently paying rent, achieving a total rental income of €523,045.

65. The Kosovo Cadastral Agency has completed a pilot project on the registration of apartments in seven municipalities. It will be used as a model for the future registration of apartments throughout Kosovo.

66. The draft law on the treatment of illegal construction has been adopted by the Assembly and is pending promulgation. The draft law on the sale of apartments where tenure rights exist has also been adopted. The draft law on the organization of cadastral institutions has been included in the Government's legislative strategy for 2008.

Challenges ahead

67. The draft law on the sale of apartments where tenure rights exist still needs to ensure respect for decisions of the Housing and Property Claims Commission concerning occupancy rights and prevent unlawful deprivations of possession due to missing records.

68. The panel of the Supreme Court mandated to address appeals against decisions made by the Property Claims Commission needs to be established.

69. The courts need to improve coordination and communication with the Kosovo Property Agency to avoid parallel proceedings and contradictory decisions on the same property.

70. Municipal authorities in Mitrovicë/Mitrovica are temporarily using public lands in two former residential areas within the Roma Mahala. The municipality should ensure that temporary use does not interfere with the regularization and return process.

71. Municipal authorities in Istog/Istok need to ensure that legislation on cultural heritage special protective zones is not interpreted as precluding the inhabitants of the informal settlement of Rudesh/Rudeš from returning.

Cultural heritage

72. After successful interventions on 13 sites in 2007, the Reconstruction Implementation Commission is working to conclude its commitments in 2008. However, the first scheduled meeting in 2008 could not be held on 27 February as both the Serbian members, citing recent political developments, did not to attend.

73. The Kosovo Police Service increased its patrols to religious and cultural sites during the past three months by over 30 per cent from its weekly average of 2,000. In response to a request from the Serbian Orthodox Church and the international community, the Kosovo Police Service in December 2007 authorized 24-hour static police presence at the Churches of the Holy Virgin Ljeviška and St. Kyriake in Prizren and the Church of St. Nicholas in Prishtinë/Priština. Hourly patrolling and a static presence during the night were later extended to the Church of St. Andrew in Podujevë/Podujevo

74. The private security company contracted by the Ministry of Culture, Youth and Sports to implement additional security measures for 15 Orthodox sites under the €50,000 grant from the Government began its work following written approval of its plan by the Serbian Orthodox Church in February. There were fewer incidents targeting religious and cultural heritage sites, both Islamic and Orthodox. Police report that most incidents were motivated by profit (theft of electrical cable, fencing and roofing material) and not ethnicity. Sixteen people were arrested in 10 cases.

75. Police report that two Kosovo Albanian suspects were arrested for damaging several gravestones in a Kosovo Serb cemetery. Three Kosovo Roma suspects were arrested for stealing a metal fence from a Kosovo Serb cemetery. In another case, two Kosovo Albanian suspects were arrested for the theft of a 300-year-old candelabra from a mosque.

76. In February 2008, the Assembly adopted a Law on the Establishment of Special Protective Zones.

77. Work on establishing a central database for the inventory of cultural heritage is progressing on schedule. Training of personnel to work on the specific software has been completed and a two-week training on heritage management for 50 participants is planned in April 2008.

Challenges ahead

78. The Government needs to continue to work on ways to ensure necessary protection of cultural heritage sites and to conduct public awareness campaigns on a continuous basis.

79. Continuing Serb participation in the Reconstruction Implementation Commission is uncertain following the declaration of independence. The Commission will need the continued support of all stakeholders, particularly the Serbian Orthodox Church, in order to conclude its undertaking by the end of 2008 as planned.

80. The Kosovo Council for Cultural Heritage needs to be established as a priority by the new Government, following recommendations made by the previous Ministry of Culture, Youth and Sports.

81. The mechanisms of cultural coordinators and technical dialogue between Belgrade and Prishtinë/Priština should be reactivated to develop closer cooperation.

Kosovo Protection Corps

82. Minority representation in the Kosovo Protection Corps (KPC) has again remained steady throughout the reporting period. Of 2,893 active members, 6.5 per cent are from minority communities, 1.4 per cent of them Kosovo Serbs.

83. Women continue to be represented at all levels of the Kosovo Protection Corps, although total numbers are relatively small at 3 per cent.

84. During the reporting period, the Disciplinary Board dealt with 18 cases, of which 13 resulted in dismissal: eight for unauthorized absence and five for criminal offences (theft). The remaining five cases were dismissed.

85. The Kosovo Protection Corps remains focused on developing and maintaining its operational capability. Significantly, over the reporting period and in anticipation of a declaration of independence, the Corps formed a number of liaison teams to work alongside NATO to provide reassurance to all communities and, in the event of any deterioration in the security situation, provide a calming influence.

Challenges ahead

86. The Office of the KPC Coordinator and KFOR continue to work together on initiatives to maintain and enhance engagement with the Kosovo Protection Corps through activities aimed at sustaining its operations and preserving its public standing. This will become even more important as the Kosovo Protection Corps begins to look to the future where it becomes increasingly necessary to manage expectations regarding the speed and realities of its development.

Annex II

Police component of the United Nations Interim Administration Mission in Kosovo

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 1 March 2008)

Country	*Number*
Argentina	10
Austria	22
Bangladesh	23
Brazil	2
Bulgaria	46
China	20
Croatia	14
Czech Republic	25
Denmark	27
Finland	8
France	51
Germany	139
Ghana	46
Greece	7
Hungary	15
India	87
Italy	42
Jordan	68
Kenya	15
Kyrgyzstan	9
Lithuania	6
Malawi	4
Nepal	14
Nigeria	6
Norway	15
Pakistan	187
Philippines	40
Poland	125
Portugal	4
Romania	181
Russian Federation	42

Country	*Number*
Slovenia	**15**
Spain	**15**
Sweden	**36**
Switzerland	**9**
Turkey	**135**
Uganda	**4**
Ukraine	**189**
United Kingdom of Great Britain and Northern Ireland	**60**
United States of America	**209**
Zambia	**10**
Zimbabwe	**24**
Total	**2 006**

Composition of the Kosovo Police Service

(as at 1 March 2008)

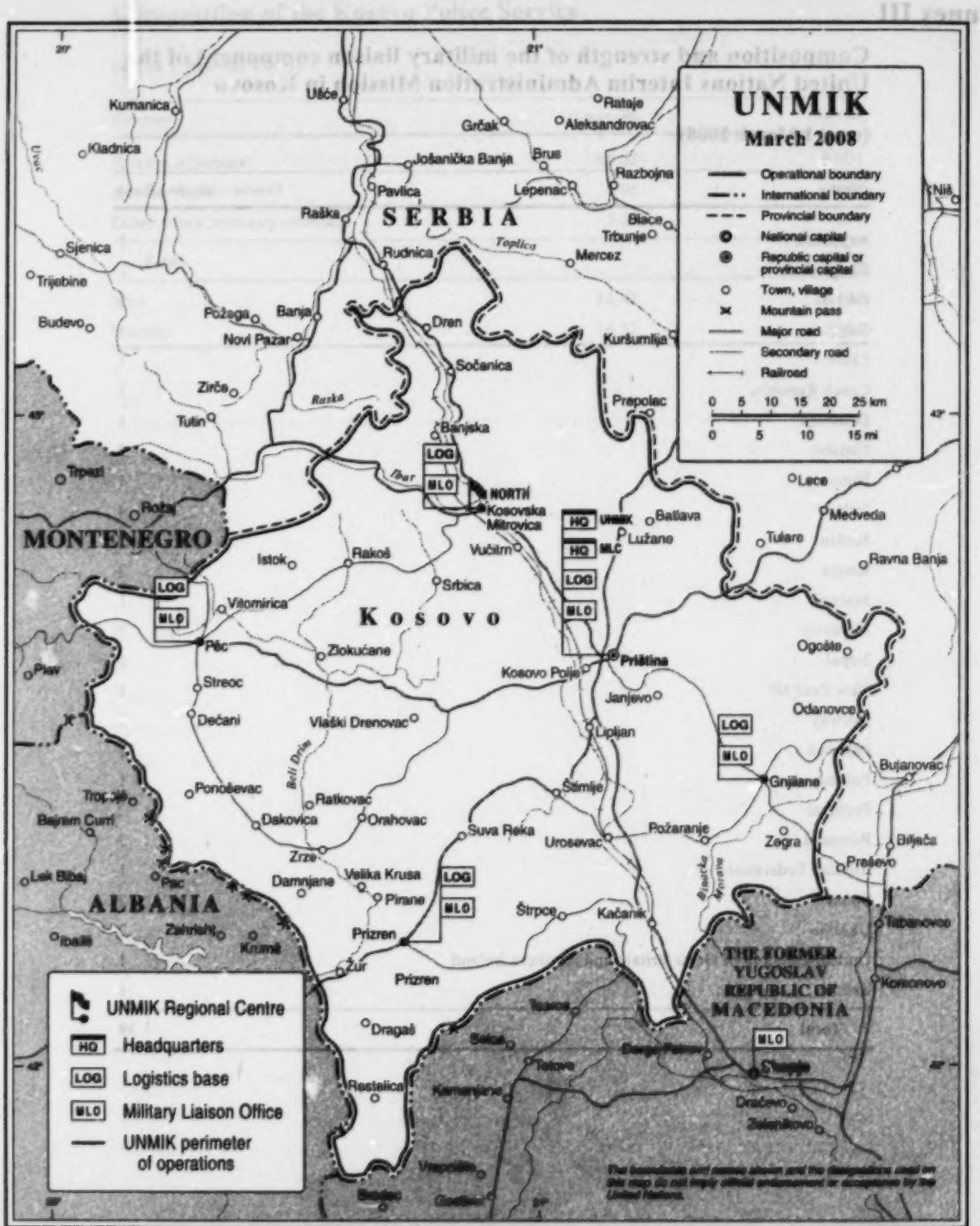
Category	*Percentage*	*Number*
Kosovo Albanians	84.45	6 001
Kosovo Serbs	9.96	708
Other ethnic minority members	5.59	397
Total		**7 106**
Men	86.48	6 145
Women	13.52	961

Annex III

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 1 March 2008)

Country	*Number of liaison officers*
Argentina	1
Bangladesh	1
Bolivia	2
Bulgaria	1
Chile	1
Czech Republic	1
Denmark	1
Finland	2
Hungary	1
Ireland	4
Jordan	2
Kenya	2
Malawi	1
Malaysia	1
Nepal	1
New Zealand	1
Norway	1
Pakistan	2
Poland	1
Portugal	2
Romania	3
Russian Federation	1
Spain	2
Ukraine	2
United Kingdom of Great Britain and Northern Ireland	1
Zambia	1
Total	**39**



Map No. 4136 Rev. 31 UNITED NATIONS
March 2008

Department of Field Support
Cartographic Section

United Nations S/2008/212

Security Council

Distr.: General
28 March 2008
English
Original: Arabic

Letter dated 27 March 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

1. I write to you once again to inform you of new and serious instances of Chadian violations of the Dakar Agreement and previous agreements. This is further to my letter to you of 19 March 2008 by which my Government informed you of Chad's renewed acts of aggression against the sovereignty and territorial integrity of the Sudan and the safety of its citizens.

2. In recent days, specifically between 22 and 24 March 2008, the Government of Chad sponsored a meeting of Darfur rebel groups in the Abu Nabaq area 15 kilometres west of the Sudanese city of Kulbus. This was at a time when Chad was supposed to be making a start on implementing its commitments under the Dakar Agreement and ending its aggression and its support for rebel movements in Darfur. Participants in the meeting included, in particular, Khalil Ibrahim, head of the Justice and Equality Movement (JEM). Taking part on the Chadian side was Chadian General `Abd al-Rahim Bahr. The meeting's objective was tighter coordination between the Chadian Government and the rebel movements in Darfur, in preparation for a hostile and subversive plot currently being devised to launch aggression against the Sudan and violate its territory. Currently, there are a number of rebel movement leaders gathered in the Chadian capital for that purpose.

3. As part of the above-mentioned plot, on 5 March 2008, using the cities of Abashi and Gereida as points of departure, the Chadian Government began to supply a number of vehicles and quantities of ammunition through rebel movement leaders located in those two cities in continuation of its support and in preparation for launching attacks against locations in Darfur and the neighbouring state of Kordofan. In this connection, infiltration by groups of Darfur rebels from the Chadian city of Abashi has once again begun with Chadian support. We wish to draw attention to the potential consequences of this.

4. I convey to your kind attention a picture of these serious Chadian violations of the sovereignty and security of my country. I should also like to note that these continued Chadian violations are likely to be extremely damaging to efforts for a peaceful political solution and to jeopardize the stability of the region.

08-28804 (E) 310308 310308

5. Finally, I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative of the
Republic of the Sudan to the United Nations

United Nations S/2008/212/Corr.1

Security Council

Distr.: General
28 March 2008
English
Original: Arabic

Letter dated 27 March 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Corrigendum

Paragraph 3, first sentence

For 5 March *read* 25 March

08-29279 (E) 020408

United Nations S/2008/213

Security Council

Distr.: General
31 March 2008
English
Original: English/French

Belgium, Costa Rica, Croatia, France, Italy, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions, in particular resolution 1794 (2007), and the statements by its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region,

Reiterating its serious concern regarding the presence of armed groups and militias in the Eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and the Ituri district, which perpetuate a climate of insecurity in the whole region,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Recalling the joint communiqué of the Government of the Democratic Republic of Congo and the Government of the Republic of Rwanda signed in Nairobi on 9 November 2007 and the outcome of the Conference for Peace, Security and Development in North and South Kivu, held in Goma from 6 to 23 January 2008, which together represent a major step towards the restoration of lasting peace and stability in the Great Lakes region, and *looking forward* to their full implementation,

Recalling its resolution 1804 (2008) and its demand that the Rwandan armed groups operating in the eastern Democratic Republic of the Congo lay down their arms without any further delay or preconditions,

Reiterating the importance of urgently carrying out security sector reform and of disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and *welcoming* in this regard the round table on the reform of the security sector that was held on 24 and 25 February 2008 in Kinshasa,

Taking note of the final report (S/2008/43) of the Group of Experts on the Democratic Republic of the Congo established pursuant to resolution 1771 (2007) ("the Group of Experts") and of its recommendations,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the Democratic Republic of the Congo,

Stressing that improved exchange of information between the Committee established pursuant to resolution 1533 (2004) ("the Committee"), the Group of Experts, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), other United Nations offices and missions in the region, within their respective mandates, and the Governments of the region can contribute to the prevention of arms shipments to non-governmental entities and individuals subject to the arms embargo,

Recognizing the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Recalling its resolution 1612 (2005) and its previous resolutions on children and armed conflict, and *strongly condemning* the continued recruitment, targeting and use of children in violation of applicable international law, in the hostilities in the Democratic Republic of the Congo,

Recalling its resolution 1325 (2000) on women, peace and security, and *strongly condemning* the continuing violence, in particular sexual violence directed against women in the Democratic Republic of the Congo,

Calling on the donor community to continue to provide urgent assistance needed for the reform of the administration of justice in the Democratic Republic of the Congo,

Recalling the measures on arms imposed by paragraph 20 of resolution 1493, as amended and expanded by paragraph 1 of resolution 1596,

Recalling the measures on transport imposed by paragraphs 6, 7 and 10 of resolution 1596,

Recalling the financial and travel measures imposed by paragraphs 13 and 15 of resolution 1596, paragraph 2 of resolution 1649, and paragraph 13 of resolution 1698,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

A

1. *Decides*, for a further period ending on 31 December 2008, that all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo;

2. *Decides* that the measures on arms, previously imposed by paragraph 20 of resolution 1493 and paragraph 1 of resolution 1596, as renewed in paragraph 1 above, shall no longer apply to the supply, sale or transfer of arms and related materiel, and the provision of any assistance, advice or training related to military activities to the Government of the Democratic Republic of the Congo;

3. *Decides* that the measures in paragraph 1 above shall not apply to:

(a) Supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC);

(b) Protective clothing, including flack jackets and military helmets, temporarily exported to the Democratic Republic of the Congo by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(c) Other supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 5 below;

4. *Decides* to terminate the obligations set out in paragraph 4 of resolution 1596 and paragraph 4 of resolution 1771;

5. *Decides*, for the period referred to in paragraph 1 above, that all States shall notify in advance to the Committee any shipment of arms and related materiel for the Democratic Republic of the Congo, or any provision of assistance, advice or training related to military activities in the Democratic Republic of the Congo, except those referred to in subparagraphs (a) and (b) of paragraph 3 above, and *stresses* the importance that such notifications contain all relevant information, including, where appropriate, the end-user, the proposed date of delivery and the itinerary of shipments;

B

6. *Decides* that, for a further period ending on the date referred to in paragraph 1 above, all governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:

(a) To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licenses of pilots;

(b) To prohibit immediately in their respective territories operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organisation, in particular with respect to the use of falsified or out-of-date documents, to notify the Committee of the measures they take in this regard;

(c) To ensure that all civilian and military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 above;

7. *Recalls* that, pursuant to paragraph 7 of resolution 1596, each government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, must maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories;

8. *Decides* that, for a further period ending on the date referred to in paragraph 1 above, the government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures:

(a) To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States;

(b) To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1 above, and notify the Committee of such actions;

C

9. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee pursuant to paragraph 13 below, provided that nothing in this paragraph shall obligate a State to refuse entry into its territory to its own nationals;

10. *Decides* that the measures imposed by paragraph 9 above shall not apply:

(a) Where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where the Committee concludes that an exemption would further the objectives of the Council's resolutions, that is peace and national reconciliation in the Democratic Republic of the Congo and stability in the region;

(c) Where the Committee authorises in advance, and on a case by case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law;

11. *Decides* that all States shall, during the period of enforcement of the measures referred to in paragraph 1 above, immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of this resolution, which are owned or controlled, directly or indirectly, by persons or entities designated by the Committee pursuant to paragraph 13 below, or that are held by entities owned or controlled, directly or indirectly, by them or by any persons or entities acting on their behalf or at their direction, as designated by the Committee, and *decides further* that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities;

12. *Decides* that the provisions of paragraph 11 above do not apply to funds, other financial assets and economic resources that:

(a) Have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within four working days of such notification;

(b) Have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) Have been determined by relevant States to be the subject of a judicial, administrative or arbitration lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 13 below, and has been notified by the relevant States to the Committee;

13. *Decides* that the provisions of paragraphs 9 and 11 above shall apply to the following individuals and, as appropriate, entities, as designated by the Committee:

(a) Persons or entities acting in violation of the measures taken by Member States in accordance with paragraph 1 above;

(b) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law;

(e) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

14. *Decides*, for a further period ending on the date referred to in paragraph 1 above, that the measures in paragraphs 9 and 11 above shall continue to apply to individuals and entities already designated pursuant to paragraphs 13 and 15 of resolution 1596, paragraph 2 of resolution 1649, and paragraph 13 of resolution 1698, unless the Committee decides otherwise;

D

15. *Decides* that the Committee shall, from the adoption of this resolution, have the following mandate:

(a) To seek from all States, and particularly those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 1, 6, 8, 9 and 11 above and to comply with paragraphs 18 and 24 of resolution 1493, and thereafter to request from them whatever further information it may consider useful, including by providing States with an opportunity, at the Committee's request, to send representatives to meet with the Committee for more in-depth discussion of relevant issues;

(b) To examine, and to take appropriate action on, information concerning alleged violations of the measures imposed by paragraph 1 above and information on alleged arms flows highlighted in the reports of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo, identifying where possible individual and entities reported to be engaged in such violations, as well as aircraft or other vehicles used;

(c) To present regular reports to the Council on its work, with its observations and recommendations, in particular on the ways to strengthen the effectiveness of the measures imposed by paragraph 1 above;

(d) To receive notifications in advance from States made under paragraph 5 above, to inform MONUC and the Government of the Democratic Republic of the Congo of every notification received, and to consult with the Government of the Democratic Republic of the Congo and/or the notifying State, if appropriate, to verify that such shipments are in conformity with the measures set forth in paragraph 1 above, and to decide, if need be, upon any action to be taken;

(e) To designate, pursuant to paragraph 13 above, persons and entities as subject to the measures set forth in paragraphs 9 and 11 above, including aircraft and airlines in light of paragraphs 5 and 7 above, and regularly to update its list,

(f) To call upon all States concerned, and particularly those in the region, to provide the Committee with information regarding the actions taken by them to investigate and prosecute as appropriate individuals and entities designated by the Committee pursuant to subparagraph (e) above,

(g) To consider and decide on requests for the exemptions set out in paragraphs 10 and 12 above,

(h) To promulgate guidelines as may be necessary to facilitate the implementation of paragraphs 1, 6, 8, 9 and 11 above;

16. *Calls upon* all States, in particular those in the region, to support the implementation of the arms embargo and to cooperate fully with the Committee in carrying out its mandate;

E

17. *Requests* the Secretary-General to extend, for a period expiring on 31 December 2008, the Group of Experts established pursuant to resolution 1771;

18. *Requests* the Group of Experts to fulfil the following mandate:

(a) To examine and analyse information gathered by MONUC in the context of its monitoring mandate and share with MONUC, as appropriate, information that might be of use in the fulfilment of the Mission's monitoring mandate;

(b) To gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the governments of those countries, on flows of arms and related materiel, as well as networks operating in violation of the measures imposed by paragraph 1 above;

(c) To consider and recommend, where appropriate, ways of improving the capabilities of States interested, in particular those of the region, to ensure the measures imposed by paragraph 1 above are effectively implemented;

(d) To update the Committee on its work as appropriate and report to the Council in writing, through the Committee, by 15 August 2008 and again before 15 November 2008, on the implementation of the measures set forth in paragraphs 1, 6, 8, 9 and 11 above, with recommendations in this regard, including information on the sources of financing, such as from natural resources, which are funding the illicit trade of arms;

(e) To keep the Committee frequently updated on its activities;

(f) To provide the Committee in its reports with a list, with supporting evidence, of those found to have violated the measures imposed by paragraph 1 above, and those found to have supported them in such activities for possible future measures by the Council;

(g) Within its capabilities and without prejudice to the execution of the other tasks in its mandate, to assist the Committee in the designation of the individuals referred to in subparagraphs (b) to (e) of paragraph 13 above, by making known without delay to the Committee any useful information;

19. *Requests* MONUC, within its existing capabilities and without prejudice to the performance of its current mandate, and the Group of Experts to continue to focus their monitoring activities in North and South Kivu and in Ituri;

20. *Requests* the Government of the Democratic Republic of the Congo, other Governments in the region as appropriate, MONUC and the Group of Experts to cooperate intensively, including by exchanging information regarding the arms shipment with a view to facilitating the effective implementation of the arms embargo on non-governmental entities and individuals, regarding the illegal trafficking in natural resources and regarding activities of individuals and entities designated by the Committee pursuant to paragraph 13 above;

21. *Reiterates* its demand, expressed in paragraph 19 of resolution 1596, that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts, and that they ensure:

– The safety of its members;

– Unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

F

22. *Decides* that, when appropriate and no later than 31 December 2008, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in the light of consolidation of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups;

23. *Decides* to remain actively seized of the matter.

United Nations S/2008/214

Security Council

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31 March 2008

Original: English

Letter dated 28 March 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you from Seyoum Mesfin, Minister for Foreign Affairs of the Federal Democratic Republic of Ethiopia, regarding the current situation between Eritrea and Ethiopia (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council and have it circulated as a document of the Council.

(*Signed*) Negash Kebret **Botora**
Chargé d'affaires a.i.

08-28937 (E) 020408

Annex to the letter dated 28 March 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia to the United Nations addressed to the Secretary-General

Allow me at the outset to express our deep understanding of the difficulties you have been facing in helping Ethiopia and Eritrea make progress in resolving our dispute. In particular, Ethiopia is grateful for your actions during this recent fabricated crisis in upholding legality.

I think it is important to communicate our views at a time when you are finalizing your report to the Security Council on the future of the United Nations Mission in Ethiopia and Eritrea (UNMEE). This is especially relevant in view of such an obvious public relations exercise as the latest letter of the President of Eritrea (S/2008/200, annex). The future of UNMEE or of United Nations peacekeeping efforts on the Ethiopia-Eritrea border is not a game. The issue is a serious one. That letter can be seen only as part of a public relations exercise on behalf of parties apparently still prepared to give Eritrea an excuse despite a plethora of recent evidence to the contrary. I am confident that the Security Council will not be hoodwinked by this facile attempt to try to improve Eritrea's image and divert attention from its recent behaviour.

The opening of the letter, with President Afwerki's categorical statement that "The Algiers Agreement and its fundamental tenets cannot be diluted, nullified or forgotten", is at total variance with the rest of the letter's contents and, indeed, with Eritrea's actions over the past months and years. It beats no relationship to the tone and content of previous letters from the Government of Eritrea to you and to the Security Council, in which the reality of Eritrea's position has been made quite clear. These certainly give no indication of any Eritrean interest in peace or of support for any possible solutions to the current impasse. Eritrea has steadily undermined and unravelled the core elements of the Algiers Agreement on Cessation of Hostilities. This is absolutely central to the entire peace process. It is totally absurd for Eritrea to claim that it fully accepts this when the core elements of the process actually insist on the integrity of the demilitarized temporary security zone and a fully operational UNMEE, both of which Eritrea has consistently undermined from the outset.

I am confident that the ideas and suggestions that you will make to the Security Council about the relocation of UNMEE will not affect the validity of the Agreement on Cessation of Hostilities in its entirety. We are also sure that consideration of your options will be informed by Security Council resolution 1798 (2008), which makes clear the Council's view that the integrity of the temporary security zone should be fully restored, with full freedom of operation for UNMEE.

Eritrea's record in the Horn of Africa for more than a decade has been one of aggression. All of its recent actions underline this. Ethiopia is not in occupation of any Eritrean territory. Nor can the issue of occupation arise before demarcation is finalized. As you know, an international tribunal, the neutral Ethiopia-Eritrea Claims Commission, ruled without dissent that Eritrea committed aggression against Ethiopia when it invaded Ethiopia in May 1998 and launched an entirely unprovoked war. This was, in fact, the climax to several years of Eritrean aggression in the region against almost all its neighbours. In every case, the aggression was entirely unprovoked.

Eritrea has not confined its actions to those cases. It was clearly reported by the Security Council Monitoring Group on Somalia in 2006 that Eritrea had embarked on a policy of attempting to destabilize Ethiopia, arming and training a number of terrorist organizations in the region and infiltrating a number of armed bands across our borders. It has taken Ethiopian nationals and tourists hostages. In fact, two Ethiopian nationals are still being held in Eritrea. It has supported extremist forces in Somalia, including Al-Shabaab, which has now been formally declared a terrorist organization by the United States of America. It is now widely recognized that Eritrea has been acting as a leading organizer of armed extremist groups in the Horn of Africa.

As you are aware, Eritrea has constantly increased tension along the border between our two countries as it expanded its takeover of the temporary security zone. It steadily increased restrictions on the operations of UNMEE to the point where the Mission's effectiveness was destroyed. Those moves were taken in deliberate defiance of the United Nations and its Security Council and of the Agreement on Cessation of Hostilities, to which Eritrea purports to be committed. This clearly gives the lie to any claim by Eritrea that it believes that the Algiers Agreement "cannot be diluted, nullified or forgotten". Eritrea has, in fact, been working unremittingly to nullify the Algiers Agreement.

Under no circumstances can the violation of a bilateral treaty, the Agreement on Cessation of Hostilities, or the integrity of UNMEE and the safety of its personnel, be considered "minor" or "tangential". UNMEE is central to the Agreement on Cessation of Hostilities and to the legal framework of the peace process laid out in the Algiers Agreements. It is not possible to pick and choose from the clauses of the Algiers Agreements. Both Ethiopia and Eritrea signed those agreements and committed themselves to the complete peace process. We have remained committed to that process in its entirety. We regret that, on the contrary, Eritrea has intensified its intransigence over the peace process and its rejection of the normalization of relations.

Eritrea has demonstrated time and again its deliberate intent to humiliate UNMEE, an official United Nations peacekeeping mission. It has repeatedly snubbed the demands and resolutions of the Security Council. None of this is in dispute. Nor is the fact that Eritrea's contemptuous and disdainful dismissal of the United Nations poses a major threat to the future of United Nations peacekeeping. Equally, its deliberate decision to spurn the Algiers Agreements, despite publicity gimmicks to the contrary, poses a major threat to peace in our region. In these circumstances, I would reiterate that Ethiopia believes it is most necessary for the Security Council to impose punitive sanctions on Eritrea to ensure that it fulfils the international obligations to which it committed itself in 2000.

(*Signed*) Seyoum **Mesfin**
Foreign Minister

United Nations S/2008/215

Security Council

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Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1778 (2007), by which the Council requested me to report to it every three months on the security and humanitarian situation in eastern Chad, the north-eastern Central African Republic and the region, including movements of refugees and internally displaced persons and progress made in creating security conditions conducive to their voluntary return. The report covers major developments since my report of 17 December 2007 (S/2007/739), including the deployment of the United Nations Mission in the Central African Republic and Chad (MINURCAT), the European Union-led military force (EUFOR Chad/Central African Republic) and the Police tchadienne pour la protection humanitaire (PTPH).

II. Update on recent developments

A. Political developments

2. The situation in Chad has deteriorated markedly despite the peace agreement signed in Sirte, Libyan Arab Jamahiriya, between the Government and the main Chadian armed opposition groups on 25 October 2007. In that agreement, the Government and the armed opposition groups undertook to respect the Constitution, cease fighting, grant amnesty to the rebels, allow rebel groups to participate in the running of State affairs, integrate rebel forces into the Chadian National Army and hold another meeting in Tripoli, including all political parties and relevant civil society organizations, to follow up on the implementation of the agreement. However, the parties have not adhered to the Sirte agreement. The Concorde nationale tchadienne (CNT) was the only armed signatory opposition group that maintained its commitment to the terms of the agreement. On 25 December 2007, 1,600 former CNT combatants were reportedly admitted to the Moussoro Military Training Centre in Chad.

3. On 12 December, three of the four main Chadian armed opposition groups — the Union of Forces for Democracy and Development (UFDD), the Rassemblement des forces pour le changement (RFC) and the Union des forces pour la démocratie et le développement fondamentale (UFDDF) — issued a statement announcing their

new alliance, the Resistance nationale. The alliance did not mean the merger of the three armed groups into a single movement, but rather the designation of an executive committee comprising leaders from each group, namely, Mahamat Nouri of UFDD, Timane Erdimi of RFC and Abdelwahid Aboud Makaye of UFDDF.

4. On 26 December, the Prime Minister of Chad, Nouradine Delwa Kassiré Coumakoye, issued a communiqué that, inter alia, accused the Government of the Sudan of sheltering, training, and equipping Chadian armed groups in order to destabilize Chad and impede the deployment of EUFOR Chad/Central African Republic and the establishment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID). In a separate communiqué issued on the same day, the Prime Minister called on the African Union, the United Nations and the European Union to help restore peace and security along the border between Chad and the Sudan.

5. In a letter addressed to the Security Council dated 28 December, the Government of the Sudan denied that it was planning to attack the Government of Chad and accused Chad of providing support to a Sudanese armed group, the Justice and Equality Movement (JEM), which, it alleged, had recently held a meeting on Chadian territory. The Government of the Sudan further accused Chad of conducting ground incursions and aerial bombardments in the Rijl al-Harzaya and Karmoula regions in Western Darfur, some 56 km south-west of Geneina. Subsequently, on 7 January 2008, the Secretary-General of the Community of Sahel-Saharan States, Mohamed al-Madani al-Azhari, travelled to Khartoum and N'Djamena to urge the two parties to exercise restraint in an attempt to prevent an escalation in the tensions between them.

6. Meanwhile, in the Central African Republic Prime Minister Élie Doté resigned on 18 January, in reaction to a scheduled parliamentary review of a censure motion, and amid strikes by civil service employees demanding that the Government settle salary arrears. On 22 January, President Bozizé appointed Faustin Archange Touadera, a former professor at Bangui University, as his new Prime Minister. Mr. Touadera, who was initially rejected by the political establishment because the President had not consulted political parties on his appointment, was able to reach an agreement with labour unions, leading to the cessation of the strikes on 25 February. President Bozizé formed a new cabinet on 28 January, though key ministers remained in place. In the meantime, the Dialogue Preparatory Committee continued its work and is expected to finalize detailed proposals for convening an inclusive political dialogue by 31 March.

B. Security situation

7. The situation in the area along the border with Darfur deteriorated on 30 January, following reports that a Chadian National Armed Forces (FANT) aircraft had been shot down south of El Geneina, Western Darfur, by members of Chadian armed opposition groups. At the same time, Chadian military helicopters reportedly bombed suspected rebel positions near Goz Beida, in eastern Chad. Subsequently, the rebel movements claimed that they had seized control of Oum Hadjer, located between Abéché and N'Djamena.

8. On 31 January, Resistance nationale forces advanced from bases in the Chadian-Sudanese border region, in a column of an estimated 200 to 300 vehicles.

They moved from the east, bypassing main towns, including Abéché, until they clashed with FANT troops at Massaguet, 50 km north-east of N'Djamena. By 1 February, Chadian rebel forces had taken up positions around N'Djamena. On the night of 1 to 2 February, the forces' alliance entered the capital and surrounded the presidential palace and other strategic locations throughout the city. There were also reports that forces of JEM, a Darfur rebel movement, crossed into Chad in an effort to reinforce the Government troops in N'Djamena. In the early hours of 3 February, heavy fighting erupted in N'Djamena. On 4 February, the Chadian contingent of the subregional multinational force of the Economic and Monetary Community of Central Africa left its base in the north-western Central African Republic and deployed to N'Djamena, reportedly to reinforce FANT. The Chadian contingent returned to Bangui on 5 March.

9. The Government troops initially managed to push the rebel forces back, and a day after the coup attempt, the rebel forces moved to approximately 30 km south-east of N'Djamena with approximately 100 vehicles, where they continued to threaten another attack on the capital. On 4 February, the rebel groups temporarily took control of Mongo, some 400 km east of N'Djamena, and later moved to Am Timan (about 600 km east of N'Djamena), where they were reported to have split into two main fronts. Both RFC and UFDD reportedly moved towards the Sudan border. On 5 February, fighting ceased and the Government troops consolidated their positions in the capital.

10. On 31 January, at the recommendation of the United Nations security management team, security phase IV was declared in N'Djamena, in accordance with United Nations safety and security rules and regulations. All non-essential United Nations personnel were subsequently evacuated to Douala, Cameroon, by a combination of air and ground transport. Following the first round of evacuation on 2 February, a small skeleton staff of MINURCAT, comprising about 33 personnel, remained and relocated to a hotel, where French forces provided protection. However, later on the same day, the hotel came under fire and the French forces removed all United Nations personnel, relocating them to a safer area pending evacuation to Cameroon until the end of the fighting. The evacuation was undertaken with the support of the Government of France and the logistic assistance of the United Nations Organization Mission in the Democratic Republic of the Congo. A skeleton staff comprising 9 MINURCAT and 11 United Nations country team personnel remained in N'Djamena. By 22 February, all MINURCAT international staff had redeployed to the capital from Cameroon and resumed their normal activities.

11. In the meantime, during the African Union summit held in Addis Ababa from 25 January to 2 February 2008, the African Union Peace and Security Council condemned the unconstitutional attempt to take power in Chad and mandated President Al-Qadhafi of the Libyan Arab Jamahiriya and President Nguesso of the Congo to seek a lasting solution to the crisis in consultation with the Chadian parties. A team composed of representatives of both mediators, led by General Mokoko, Military Adviser to President Nguesso, arrived in N'Djamena on 13 February, where they met with President Deby, and departed Chad a few days later.

12. On 10 March, President Kabila of the Democratic Republic of the Congo, in his capacity as Chairman of the Economic Community of Central African States,

(ECCAS) convened in Kinshasa an extraordinary summit on the situation in Chad. In the communiqué issued at the end of the summit, the heads of State or Government of the ECCAS countries condemned any attempt to attain power by unconstitutional means in Chad; urged all Chadian parties to implement the previous peace agreements; expressed their support for the African Union mediation efforts led by President Al-Qadhafi and President Nguesso; and pledged to provide emergency assistance for Chad.

13. On 13 and 14 March 2008, I attended the eleventh summit of the Organization of the Islamic Conference. In the margins of the summit, President Deby and President Al-Bashir signed a new agreement under the auspices of President Wade of Senegal. The parties agreed to reconcile, normalize their relations and contribute to peace and stability in the two countries and in the region. After recalling all previous agreements (the Tripoli agreement of 8 February 2006, the Khartoum agreement and its additional protocols of 28 August 2006, the Cannes Declaration of 15 February 2007 and the Riyadh agreement of 3 May 2007), the parties asked the international community to take all necessary measures to put in place a "peace and security force" in order to "guarantee and observe the mixed operations aimed at securing their common border". In addition, the parties agreed to the establishment of a contact group aimed at monitoring the implementation of the agreement, to cease supporting the activities of armed groups and to ensure that their respective territories were not used for the destabilization of one or the other State.

14. On 13 March, the Government of Chad issued a communiqué stating that rebel groups supported by the Government of the Sudan had crossed the border from the Sudan into Chad, near Moudeina. On 14 March, an armed group of some 25 to 45 vehicles was reportedly seen at Choukouyane, 140 km south-east of Abéché. A second group was reported closer to Abéché, just 45 km south-east of the town. FANT units have reportedly redeployed in anticipation of movements in the Sudan in the border area near Adré. On the same day, the Government of Chad lifted the state of emergency it had imposed in mid-February.

C. Humanitarian situation

15. Eastern Chad continues to host over 250,000 Sudanese refugees and more than 180,000 internally displaced persons who rely on humanitarian aid for their survival, including food, health services and water. Insecurity caused by acts of banditry and the absence of rule of law institutions have affected the capacity of the humanitarian community to provide assistance to those in need.

16. In addition to the nearly 500,000 refugees, internally displaced persons and other vulnerable populations in host communities in eastern Chad, some 10,000 to 12,000 refugees coming from Western Darfur have fled across the border since 8 February to escape militia attacks and bombing by the Government of the Sudan. All these war-affected people are in a very precarious situation along the volatile border.

17. The fighting in N'Djamena in early February led some 30,000 Chadians to flee to Cameroon, and an estimated 10,000 have still not returned. The deterioration of the security situation along the border of Chad and the Sudan has also affected the capacity of the humanitarian community to assist refugees and internally displaced

persons in sites close to the border. On many occasions, refugee camps and sites for internally displaced persons have been infiltrated by armed elements.

18. In the Central African Republic, an estimated 45,000 internally displaced persons remain in the three north-eastern prefectures of Vakaga, Haute-Kotto and Bamingui-Bangoran and 2,650 refugees from Southern Darfur are still living in a camp in Sam Ouadja, Haute Kotto prefecture. While the humanitarian community in the Central African Republic continues to provide assistance to vulnerable populations, insecurity caused by armed gangs impedes its work.

D. Human rights

19. The human rights situation in Chad has deteriorated as a result of the fighting in early February. In addition to civilian deaths, serious violations of human rights by both parties were reported, including the arrest of opposition leaders and destruction of property of human rights defenders. Three key figures of the unarmed opposition in Chad — Lol Mahamat Choua, former head of State and Chairperson of the committee to follow up the 13 August 2007 agreement on the reinforcement of the democratic process in Chad, Ibni Oumar Mahamat Saleh, spokesperson of the Coordination des partis politiques pour la défense de la Constitution, and Ngarlejy Yorongar, a member of parliament — were reported missing. On 11 February, in reaction to what they considered to be a crackdown against members of the unarmed opposition and civil society organizations, opposition party members pulled out of the committee to follow up the 13 August 2007 agreement. However, they indicated that they would resume their participation in the committee as soon as conditions conducive to peace were in place. On 14 February, a presidential decree declaring a nationwide state of emergency was issued, authorizing house searches and controls on the private and public press, limiting movement of people and vehicles and banning most public meetings.

20. On 5 February 2008, the United Nations High Commissioner for Human Rights, Louise Arbour, expressed deep concern regarding the military escalation in Chad and the threat this represented for civilians. On 22 February 2008, she called on the Government of Chad to investigate the killing of civilians during the recent fighting and voiced concern over the abduction and detention of several opposition leaders. She also called on the Government to respect international legal standards on the treatment of detainees and to respect fundamental human rights and freedoms during the period of the state of emergency.

21. In a press conference on 21 February, the Minister of Interior and Safety of Chad indicated that Lol Mahamat Choua had been put under house arrest, as the Government considered him a prisoner of war owing to his alleged collaboration with the armed opposition. A few weeks later, Ngarlejy Yorongar reappeared in Cameroon and later went to France. The whereabouts of Ibni Oumar Mahamat Saleh remain unknown.

22. On 27 February, President Deby established a commission of inquiry to gather information on disappeared persons and assess the damages to the State and the population in the areas where the fighting took place caused by the events of 28 January to 8 February. The commission, chaired by the President of the Chadian National Assembly and comprising seven Chadians as well as representatives of the Commission of the African Union, the International Organization of la

Francophonie, the European Commission and the Government of France, will submit a report to the President three months after its establishment.

III. Activities of the United Nations Mission in the Central African Republic and Chad

23. The strength of MINURCAT currently stands at 163 international and 64 national staff. My Special Representative, Victor Angelo, took up his duties in N'Djamena on 7 March. On 17 March, my Special Representative met with President Deby, who confirmed his full support for MINURCAT. During the reporting period, MINURCAT and EUFOR Chad/Central African Republic further consolidated their relationship with the Government of Chad through the Coordination nationale d'appui à la force internationale, headed by the Special Representative of President Deby for MINURCAT and EUFOR Chad/Central African Republic.

24. The Assistant Secretary-General for Field Support, Jane Holl Lute, visited Chad from 22 to 23 January to receive a first-hand assessment of MINURCAT deployment timelines and challenges. Her visit to Abéché and Goz Beida highlighted the magnitude of the logistical challenges the Mission will face and underscored the need to maintain realistic time frames for its deployment. Under-Secretary-General for Peacekeeping Operations Jean-Marie Guéhenno visited Chad on 25 January and met with President Deby and the national authorities to discuss outstanding issues, including the status-of-mission agreement, the MINURCAT police concept of operations and progress in the establishment of PTPH. The status-of-mission agreement was signed on 21 March.

Police

25. In order to provide the necessary start-up capability for the MINURCAT police component, 19 members of the Department of Peacekeeping Operations standing police capacity, who were deployed to MINURCAT on 19 November 2007, have been assigned key staff positions in an interim capacity. As at 11 March 2008, 170 out of 300 authorized United Nations police officers for MINURCAT have been recruited, 58 of whom have been deployed to N'Djamena. Some 37 additional police officers are expected to be deployed by the end of March 2008.

26. The deployment of the standing police capacity was instrumental in moving forward efforts to create an effective framework for the establishment of PTPH. The police component of the Mission has established sound working relationships with the Government of Chad, the United Nations country team, the humanitarian community and other key partners.

27. The training of 16 PTPH trainers was successfully completed on 10 January. MINURCAT has requested the Government to nominate candidates who will participate in the training prepared for the PTPH commanders and headquarters staff (77 police officers). This training programme was scheduled to start on 1 March 2008 but was delayed by the fighting in N'Djamena. In the meantime, the nomination, selection and certification of PTPH officers are ongoing. The training of the first batch of 220 PTPH officers will commence upon completion of the training of the PTPH commanders and headquarters staff.

28. In late January MINURCAT undertook a reconnaissance mission to eastern Chad, jointly with Chadian police authorities and EUFOR Chad/Central African Republic, to identify potential sites for police posts. The team identified sites for the police headquarters in Abéché, 6 stations in the main towns, 12 posts and the respective infrastructure and equipment needs.

29. A police familiarization programme to initiate a continuous MINURCAT police presence in Abéché started on 25 February with a team of eight officers deployed on a rotating basis. The programme has contributed to enhancing the visibility of MINURCAT in eastern Chad and helping to further inform national and international partners about details of the police plans for each location. This arrangement, a precursor of the MINURCAT presence in eastern Chad, will continue until a permanent office is established in Abéché.

30. In the Central African Republic, MINURCAT will soon establish its presence in Bangui, where it will be collocated with the United Nations Peace-building Support Office in the Central African Republic (BONUCA). The United Nations intends to undertake a joint assessment mission to Birao, Vakaga prefecture, to reassess the situation and devise a strategy on how MINURCAT can best respond to the security-related challenges of the area in accordance with Security Council resolution 1778 (2007).

Gender

31. MINURCAT continues to promote gender mainstreaming in the Mission's activities, working closely with the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund to develop a concept paper on the establishment of mechanisms for the protection of women and children in eastern Chad. Operational plans to designate focal points for women and children in all PTPH stations and posts have been developed. These will be put in place after coordination with PTPH.

Rule of law

32. From 18 to 24 January 2008, the Department of Peacekeeping Operations conducted a mission to N'Djamena to discuss with the Chadian authorities, the United Nations country team, the European Union and other partners potential MINURCAT justice and corrections activities and ways in which such activities could be planned and implemented. The Mission determined that there was a need to harmonize formal and traditional justice mechanisms, and to build the capacities of traditional and formal justice officials. Also identified as key issues were the training of Chadian prison staff and the improvement of correction infrastructure. A further joint assessment mission involving the Department of Peacekeeping Operations, the United Nations country team and the European Commission will visit Chad in early April to work with national counterparts on developing an integrated strategy and ensure complementarity of actions.

Military liaison officers

33. Of the authorized MINURCAT strength of 50 military liaison officers, 15 have been deployed. During the period under review, the military liaison officers focused their activities on establishing a comprehensive liaison network with key stakeholders, including joint reconnaissance and information-gathering missions to

Abéché, Goz Beida, Bahai and Iriba to further synchronize their deployments. The security situation and delays related to EUFOR force generation did not allow the planned deployment of up to 25 military liaison officers in January. However, the senior military liaison officer and an advance military liaison officer team deployed to the EUFOR operational headquarters in Paris and EUFOR headquarters in Abéché. Additional deployments will focus on the incremental movement of military liaison officers to the east and north, synchronized with EUFOR.

Support

34. In January, MINURCAT conducted an extensive series of surveys, in conjunction with EUFOR personnel, to all Mission locations in the east of the country. In February, following the redeployment of staff from Douala, the first sea shipment of 71 vehicles and 6 containers from the United Nations Integrated Office in Burundi arrived in N'Djamena. In addition, the first shipments of equipment for PTPH arrived on 10 March. During March the Mission located and occupied three additional temporary sites for the expansion of its headquarters in N'Djamena. The initial operating location in Abéché was reopened on 14 March. The second shipment of strategic deployment stocks, filling 200 containers, left Brindisi, Italy, for Douala on 1 March.

IV. Establishment of the European Union-led military operation in Chad and the Central African Republic

35. On 28 January, the Council of the European Union launched the military bridging operation EUFOR Chad/Central African Republic and authorized the European Union operations commander, General Nash, to commence the deployment of forces and start the mission. While hostilities in early February delayed the deployment of EUFOR troops in theatre, the main force headquarters in Abéché and a logistics base in N'Djamena have been established. Since 19 February, EUFOR initial entry forces have carried out reconnaissance and contact missions in the central and southern parts of the area of operations. EUFOR specialists have also actively consulted with United Nations agencies and humanitarian non-governmental organizations through a civil-military information campaign on the ground. A French special force reconnaissance team, under EUFOR command, mistakenly crossed into the Sudan on 3 March and came under fire from Sudanese Armed Forces about 3 km into Darfur, near the Chadian town of Tissi. One French soldier was killed and another wounded. EUFOR is currently investigating to determine the circumstances in which the incident took place.

36. EUFOR Chad/Central African Republic announced its initial operational capability on 15 March, marking the official beginning of its 12-month mandate. Initial operational capability could be declared only with the establishment of command structures, a level-2 medical facility, the appropriate medical evacuation capability and a quick reaction force in Abéché. In addition, pursuant to Security Council resolution 1778 (2007), the European Union and the United Nations, in consultation with the Governments of Chad and the Central African Republic, will perform an evaluation of needs six months after the declaration of the EUFOR initial operational capability, in September 2008, and develop recommendations on the arrangements for following up on EUFOR Chad/Central African Republic.

37. As at 15 March, EUFOR personnel present in Chad and the Central African Republic numbered over 1,500, including 200 in Birao, north-eastern Central African Republic, constituting almost half of the total authorized strength. The attainment of EUFOR initial operational capability will enable MINURCAT to deploy and undertake mandated activities, beginning in Abéché. EUFOR Chad/Central African Republic intends to achieve full operational capability with the full deployment of three multinational battalions based in Farchana, Goz Beida and Iriba before the rainy season starts in June. These battalions will provide security for the five MINURCAT police stations envisaged for Goz Beida, Farchana, Guéréda, Iriba, and Bahai in Chad and the area of Birao in the Central African Republic. Fourteen European Member States are contributing troops to EUFOR Chad/Central African Republic. Albania also contributes to the operation, and consultations are ongoing with several other third States regarding their potential participation in the operation. EUFOR Chad/Central African Republic will therefore remain in Chad and the Central African Republic until 14 March 2009.

V. Observations

38. The recent attempt by Chadian armed groups to capture N'Djamena and the continuing instability in the Chad/Sudan border area, as well as the cross-border movement of armed groups, underscore the need for a comprehensive approach in addressing the situation in Chad. The internal crisis in Chad, the situation facing refugees and internally displaced persons in eastern Chad and the Central African Republic, the tensions between Chad and the Sudan and the situation in Darfur should be addressed simultaneously in a coordinated effort that takes into account the root causes of the internal conflicts and the regional aspects. To date, however, neither MINURCAT nor EUFOR is ideally mandated to address these issues.

39. In this regard, I welcome the ongoing mediation efforts aimed at helping the Chadian parties reach a negotiated and comprehensive settlement of their disputes, and at normalizing the relations between Chad and the Sudan. The signing of the Dakar agreement between President Deby and President Al-Bashir represents an opportunity for the two countries to ensure sustained dialogue and address the insecurity along their common border. It is important to remain steadfast and encourage the parties to seek lasting solutions through dialogue, and to refrain from any actions that could exacerbate an already volatile political and security situation.

40. While the international community can assist the parties in settling their internal and bilateral differences through constructive means, in the final analysis the parties themselves must demonstrate the political will and commitment necessary to resolve the underlying political and security challenges in the area. Constructive relationships between Chad and the Sudan, as well as effective linkages and coordination in the activities of MINURCAT, EUFOR Chad/Central African Republic, UNAMID, the United Nations Mission in the Sudan and humanitarian organizations operating in eastern Chad and Darfur, are essential for the restoration of security and the protection of refugees and internally displaced persons in the region.

41. Although the threat of further rebel attacks on N'Djamena has receded, towns and villages in the east remain at risk. I am concerned about the highly volatile security situation in Chad and the Central African Republic, which will continue to

have an impact on the much-needed assistance provided by the humanitarian community to the populations at risk. The humanitarian appeal for 2008 has so far attracted limited contributions against the requested $287 million. As MINURCAT and EUFOR Chad/Central African Republic deploy in an effort to help improve the security situation, I call on international partners to contribute to humanitarian, relief, rehabilitation and reconstruction efforts.

42. Although the events of early February delayed the deployment of the multidimensional presence, I am encouraged that MINURCAT and EUFOR Chad/Central African Republic swiftly resumed their deployment and activities. I am similarly pleased to note that MINURCAT and the Chadian authorities have made progress on the establishment of PTPH. I would like to thank those Member States that contributed to the MINURCAT trust fund and invite others to contribute in order to ensure a successful implementation of resolution 1778 (2007). PTPH will not be fully operational without the necessary funds.

43. In my report to the Security Council of 10 August 2007 (S/2007/488, para. 63), I stated that the Chadian police element "would assume exclusive law enforcement responsibility in carefully defined jurisdictions, centred on refugee camps and surrounding concentrations of internally displaced persons and associated towns". Developments in eastern Chad have prompted the Government of Chad to suggest an increased coverage by PTPH of locations where internally displaced persons are residing. As this will present significant logistical and financial challenges for MINURCAT, I intend to recommend that the six-month review of MINURCAT and EUFOR Chad/Central African Republic, which will be finalized in September, look closely at this issue and develop recommendations.

44. I would like to take this opportunity to thank the Government of France for protecting and evacuating members of the international community, including United Nations personnel in N'Djamena, during the events of early February.

45. Finally, I would like to express my gratitude to my Special Representative, Victor Angelo, for his work and commend Ousseni Compaoré, who acted as head of the Mission from November to March, for his excellent management of the Mission during the extremely trying circumstances of the recent crisis. I also thank the staff of MINURCAT, BONUCA and the United Nations country team for their continued efforts to contribute to peace and development in Chad, the Central African Republic and the region.

United Nations S/2008/216

Security Council

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Letter dated 31 March 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Further to my successive letters to the Security Council regarding Chad's violations of the Dakar agreement between Chad and the Sudan, the most recent of which was dated 27 March 2008, I am now writing once again to draw the attention of the Security Council to a new fundamental shift in the nature of Chad's conspiratorial schemes, which is aimed at carrying out subversive military operations deep inside Sudanese territory. The relevant Sudanese services have observed that President Idriss Déby is personally supervising direct coordination with the Justice and Equality Movement in order to attack Dongola and other cities in the northern province, by mobilizing forces inside Chadian territory and over the border towards the Sudanese town of Milliet in the north-west of Darfur and towards Dongola. The Justice and Equality Movement has to that end received from the Government of Chad 156 Land Cruiser vehicles, together with considerable military support such as ammunition and heavy weapons, including air defence missiles. It has been decided that these plans will include attacks on a number of towns and sites in West Darfur, such as the area of Jirjir.

In the same context, we have received reliable and substantiated information according to which elements of the Chadian army, supported by Chadian police, are to take part in this operation. Moreover, the task of mobilizing and gathering forces to take part in the operation has in fact been carried out by General Abdul-Rahim Bahr, the commander-in-chief of the Chadian army, and General Abkar Krinkawi, chief of Chad's national police force. Both have mustered individuals and given them financial inducements to join the forces of the Justice and Equality Movement in order to perpetrate this evil plan, which is being prepared under the close eye and direct supervision of the President of Chad, Mr. Idriss Déby.

I should like to inform you, and through you the members of the Security Council, of this serious turn in the destructive schemes and acts of aggression repeatedly engaged in by our neighbour Chad. I need hardly remind the Security Council that this development undermines all of the agreements signed between our two countries, in addition to constituting a serious threat to security and stability and an obstacle to efforts towards a political solution to the Darfur issue.

Finally, I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

United Nations S/2008/217

Security Council

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Letter dated 28 March 2008 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council

In response to the letter dated 24 March 2008 from the representative of the Sudan (S/2008/212), I should like to express the Chadian authorities' indignation at the pretext which the Sudanese Government has seized upon in order to reactivate its relentless campaign of destabilization and aggression against Chad, in disregard of the peace agreement signed in Dakar on 13 March 2008, whose implementation, this time, is universally expected.

With regard to the second and third paragraphs of the letter from the Sudan, in which it is claimed that Chadian officials met with rebels from Darfur with a view to renewing attacks against the Sudan, the Chadian authorities are stunned at this assertion and deeply regret the duplicitous and belligerent attitude of the Sudanese Government, whose unavowed intent is to continue its efforts to destabilize Chad, flouting all the peace agreements and commitments entered into, in order to install a compliant regime in N'Djamena.

Chad, for its part, remains sincerely committed to peace, in the interests of the two neighbouring and fraternal countries and of all the countries of the subregion.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mahamat Ali **Adoum**
Ambassador
Permanent Representative

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